

**SENATE, No. 3848**

---

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

---

INTRODUCED MAY 15, 2023

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator RENEE C. BURGESS**

**District 28 (Essex)**

**Co-Sponsored by:**

**Senators Johnson and Sarlo**

**SYNOPSIS**

Provides for merger of Bloomfield College with Montclair State University; expands powers and property of Montclair State University; and expands State college risk management group.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/5/2023)**

1 AN ACT concerning public institutions of higher education and the  
2 merger of Bloomfield College and Montclair State University, and  
3 amending and supplementing various parts of the statutory law.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. (New section) The Legislature finds and declares that:

9 a. Bloomfield College is an independent institution of higher  
10 education located in Bloomfield, New Jersey, originally established  
11 by an act of the Legislature in 1871 as the “German Theological  
12 School of Newark, New Jersey,” and which was later renamed  
13 through an act of the Legislature first as the “Bloomfield Theological  
14 Seminary” in 1913 and again in 1931 as “Bloomfield College and  
15 Seminary.”

16 b. Bloomfield College is one of the most diverse liberal arts  
17 colleges in the nation, with nearly 1,300 undergraduate students and  
18 it is the State’s only four-year institution of higher education with the  
19 federal designations of being a Minority Serving Institution (MSI), a  
20 Hispanic-Serving Institution (HSI), and a Predominantly Black  
21 Institution (PBI).

22 c. Bloomfield College is unable to continue operations as an  
23 independent college due to significant financial challenges, which  
24 have been further exacerbated by declining enrollment.

25 d. Due to Bloomfield College’s status as the State’s only MSI,  
26 HSI and PBI, it is of great public importance to New Jersey’s system  
27 of higher education that Bloomfield College continue operations.

28 e. Montclair State University is a public institution of higher  
29 education with its main campus located in Montclair, Little Falls, and  
30 Clifton, New Jersey, and which has been designated by an act of the  
31 Legislature as a public research university in the State.

32 f. Montclair State University is comprised of 10 colleges and  
33 schools that serve over 21,000 undergraduate and graduate students  
34 in more than 300 doctoral, master’s, and baccalaureate level  
35 programs.

36 g. Montclair State University has been granted broad powers as a  
37 public research university to undertake activities that are necessary  
38 or desirable for university purposes, including the ability to acquire  
39 property, enter into contracts, form entities, and make decisions  
40 regarding the development of the university.

41 h. Recognizing the public importance of Bloomfield College, and  
42 determining that it is both necessary and desirable for university  
43 purposes, Montclair State University has entered into an agreement  
44 with Bloomfield College for it to become a part of Montclair State  
45 University.

**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.

i. The preservation of Bloomfield College's mission through an alignment with Montclair State University is within the public interest and has an important public purpose as it will preserve Bloomfield College's mission.

2. (New section) a. The governing board of a public institution of higher education may permit the use of any part of a building or facility of the institution, or of its subsidiaries or affiliates, in whole or in part, by one or more other public institutions of higher education in a manner that the education of students in the various institutions of higher education may be conducted cooperatively and made more widely and efficiently available to the people of the State.

b. The care, custody, and control of any building used jointly by two or more public institutions of higher education pursuant to subsection a. of this section shall remain vested in the governing board which permits the use of the building or facility.

c. The care, custody, and control of a building of a public institution of higher education used wholly by a second public institution of higher education shall be exercised by the second institution of higher education, subject to the visitorial power of the first institution.

3. Section 1 of P.L.1871, c.18 is amended to read as follows:

1. **Be it enacted by the Senate and General Assembly of the State of New Jersey, That Jonathan F. Stearns, Joseph Few Smith, Charles A. Smith, George C. Seibert, Charles E. Knox, Thomas N. McCarter, F. Wolcott Jackson, William F. Van Wagenen and Philip Doremus and their successors, are hereby constituted a body corporate and politic, in fact and in name, by the name of "The German Theological School of Newark, New Jersey," and by that name shall have succession and be capable in law of taking and holding, by gift, grant, devise or otherwise, and of holding and conveying, both in law and in equity, and real or personal estate, and may have a common seal and change the same at pleasure.** "The German Theological School of Newark, New Jersey," a body politic and corporate in fact and in law, established pursuant to P.L.1871, c.18, that name having been further changed to "Bloomfield Theological Seminary," pursuant to P.L. 1913, c. 265, and the name having been further changed to the "Bloomfield College and Seminary," pursuant to P.L.1931, c.260, shall hereby be known as "Bloomfield College."

(cf: P.L.1871, c.18, s.1)

4. Section 2 of P.L.1871, c.18 is amended to read as follows:

2. **And be it enacted, That the** The government of the **said** corporation shall be vested in a board of **directors** trustees, which shall consist of **nine** members, five of whom shall be clergymen, and four laymen; the corporators above named shall be the first board of directors of said corporation, and shall be divided into three

1 classes, to be numbered one, two, and three; the term of the first shall  
2 expire in one, the second in two and the third in three years from the  
3 first day of May last; Joseph Few Smith, Charles E. Knox and  
4 Thomas N. McCarter, shall compose the first class; Charles A. Smith,  
5 William F. Van Wagenen and Philip Doremus, shall compose the  
6 second class, and Jonathan F. Stearns, George C. Seibert and F.  
7 Wolcott Jackson, shall compose the third class; each class of  
8 directors shall hereafter be chosen for and hold their office during  
9 three years, and until a new election to supply the place of such class】  
10 not more than 39 persons of legal age all of whom shall be elected by  
11 the board of trustees and one-third of whom are to be elected each  
12 year. The organization of the initial board of trustees shall be set forth  
13 in the corporation's bylaws. The trustees shall be appointed or elected  
14 in accordance with the corporation's bylaws as adopted and amended  
15 from time to time by the corporation's board of trustees, which shall  
16 include provisions for the qualifications for trustees, terms, possible  
17 division into classes, and provisions for removal of trustees from  
18 office. The trustees and their successors shall manage and care for  
19 the estate of both real and personal property of the corporation, and  
20 shall have the power to sell, encumber as security for loans, or  
21 otherwise dispose of the property in their discretion for the purpose  
22 of advancing the objectives of the school, and shall also have power  
23 to adopt a constitution and all necessary bylaws and ordinances for  
24 the management and government of the school, provided they are not  
25 in conflict with the laws of this State.

26 (cf: P.L.1871, c.18, s.2)

27  
28 5. Section 3 of P.L.1871, c.18 is amended to read as follows:

29 3. 【And be it enacted, That the Presbytery of Newark may  
30 annually hereafter elect at its stated spring meeting, three directors of  
31 said corporation to supply the place of the class which shall expire in  
32 that year, and shall also have power to fill any vacancy that may have  
33 happened by death, resignation or otherwise, in any other class, such  
34 election to be held in such manner as the said Presbytery of Newark  
35 shall direct; and any such election shall be subject to review by the  
36 next General Assembly of the Presbyterian Church in the United  
37 States of America; and in case the said general assembly shall  
38 disapprove of such election, the offices of the director or directors  
39 disapproved of, shall thereupon become vacant; the board of directors  
40 shall also have power to fill all vacancies in their own board which  
41 may happen from year to year, and such appointment shall be valid  
42 until the first day of May then next following, or until the election of  
43 a successor by the Presbytery as aforesaid.】

44 a. Whenever deemed by the board of trustees to be in the best  
45 interest of the corporation, it shall be lawful for the board of trustees  
46 to approve the sale or other disposition of the corporation, or of all  
47 or substantially all of the assets of the corporation, in accordance with  
48 State law. Upon dissolution of the corporation or the winding up of  
49 its affairs, the assets of the corporation shall be distributed as set forth

1 in the corporation's bylaws, provided that the distribution shall be for  
2 one or more exempt purposes within the meaning of paragraph (3) of  
3 subsection (c) of section 501 of the federal Internal Revenue Code of  
4 1986, 26 U.S.C. s.501(c)(3), consistent with the educational purposes  
5 of the corporation, or shall be distributed to the federal government,  
6 or to a state or local government, for a public purpose.

7 b. Nothing contained within sections 1 through 5 of P.L.1871,  
8 c.18 shall be construed to impair, annul, or affect any vested rights,  
9 grants, charter rights, privileges, exemptions, immunities, powers,  
10 prerogatives, franchises, or advantages heretofore obtained or  
11 enjoyed by the corporation or any constituent unit thereof, under  
12 authority of its charter or any act of this State or under any grant,  
13 deed, conveyance, transfer, lease, estate, remainder, expectancy,  
14 trust, gift, donation, legacy, devise, endowment, or fund, all of which  
15 are hereby ratified and confirmed, and all of which shall survive and  
16 shall continue to vest in the corporation and in any nonprofit entity  
17 that merges or consolidates with the corporation, along with the  
18 assumption of all of the liabilities that have not been satisfied by the  
19 corporation prior to the merger or consolidation, or any nonprofit  
20 entity that obtains substantially all of the assets of the corporation or,  
21 in the event of a merger or consolidation, substantially all of the  
22 assets of the successor of the corporation, upon the dissolution or the  
23 winding up of the affairs of the corporation or its successor.

24 (cf: P.L.1871, c.18, s.3)

25  
26 6. Section 4 of P.L.1871, c.18 is amended to read as follows:

27 4. **【**And be it enacted, That the said directors and their successors  
28 shall have the management and care of the estate, both real and  
29 personal of said corporation, and shall have power to sell or otherwise  
30 dispose of the same in their discretion, for the purpose of advancing  
31 the objects of said school, and shall also have power to adopt a  
32 constitution and all necessary by-laws and ordinances for the  
33 management and government of said school; provided, the same be  
34 not in conflict with the laws and constitution of this State or of the  
35 United States**】** Without limiting or impinging upon the powers  
36 currently vested in the corporation pursuant to sections 1 through 5  
37 of P.L.1871, c.18, the corporation may merge or consolidate with one  
38 or more other nonprofit corporations formed under Title 15A of the  
39 New Jersey Statutes and operated primarily for educational purposes  
40 and exempt under paragraph (3) of subsection (c) of section 501 of  
41 the federal Internal Revenue Code of 1986, 26 U.S.C. s.501(c)(3), as  
42 the board of trustees may determine, but consistent with the public  
43 purposes of the corporation.

44 (cf: P.L.1871, c.18, s.4)

45  
46 7. Section 5 of P.L.1871, c.18 is amended to read as follows:

47 5. **【**And be it enacted, That, whenever from a cessation of German  
48 immigration, or from any other cause, it may be deemed inexpedient  
49 longer to maintain said institution as a distinctive German theological

1 school, it shall be lawful for the directors, with the approval of the  
2 Presbytery of Newark, and of the General Assembly of the  
3 Presbyterian Church of the United States, to use the property and  
4 funds of said corporation for any other branch of theological and  
5 collegiate or collegiate education, or transfer its property and funds  
6 to any other theological seminary; and in case of such transfer of all  
7 the property of said corporation to another seminary or seminaries,  
8 the corporate power hereby granted shall cease, and said corporation  
9 shall be thereby dissolved.】 The corporation may have a member or  
10 members, the powers and qualifications for which shall be set forth  
11 in the bylaws of the corporation and which shall comply with the  
12 provisions of N.J.S.15A:1-1 et seq.  
13 (cf: P.L.1951, c.178)

14

15 8. Section 1 of P.L.2010, c.99 (C.18A:64-86) is amended to read  
16 as follows:

17 1. As used in 【this act】 P.L.2010, c.99 (C.18A:64-86 set seq.):

18 "Board of trustees" or "trustees" means the board of trustees  
19 established pursuant to the bylaws of the 【State】 public college risk  
20 management group to govern or manage the risk management  
21 programs, joint liability funds, and related services of the group.

22 "Certified audit" means an audit upon which an auditor expresses  
23 a professional opinion that the accompanying statements present  
24 fairly the financial position of a joint liability fund in conformity with  
25 generally accepted accounting principles consistently applied, and  
26 includes tests of the accounting records and other auditing procedures  
27 as considered necessary in the circumstances.

28 "Commissioner" means the Commissioner of Banking and  
29 Insurance.

30 "Contributions" means the moneys paid by a member of a 【State】  
31 public college risk management group in amounts as may be set by  
32 the board of trustees or other officers as provided in the group's  
33 bylaws for the purposes of participating in a joint liability fund or  
34 funds, or securing risk management programs or related services.

35 "Joint liability fund" or "fund" means a joint liability fund  
36 established by a 【State】 public college risk management group  
37 pursuant to 【this act】 P.L.2010, c.99 (C.18A:64-86 et seq.). The  
38 joint liability fund is a fund of public moneys from contributions  
39 made by members of a 【State】 public college risk management group  
40 for the purpose of securing insurance, risk management programs, or  
41 related services as authorized by this act.

42 【"State college" means any of the State colleges or universities  
43 established pursuant to chapter 64 of Title 18A of the New Jersey  
44 Statutes.】

45 "【State】 Public college risk management group" or "group" means  
46 an association formed by two or more 【State colleges】 four-year  
47 public institutions of higher education for the development,  
48 administration, and provision of risk management programs, joint

1 liability funds for the payment of liabilities incurred by the **【State**  
2 **colleges】** institutions and not funded by the State of New Jersey  
3 pursuant to the provisions of the "New Jersey Tort Claims Act,"  
4 N.J.S.59:1-1 et seq., and related services.

5 "Risk management program" means a plan, and activities carried  
6 out under the plan, by a **【State】** public college risk management  
7 group to reduce risk of loss with respect to liabilities incurred by the  
8 **【State colleges】** four-year public institutions of higher education,  
9 including safety engineering and other loss prevention and control  
10 techniques. A risk management program also includes the  
11 administration of one or more joint liability funds, including the  
12 processing and defense of claims brought against or on behalf of  
13 members of the group.

14 (cf: P.L.2010, c.99, s.1)

15  
16 9. Section 2 of P.L.2010, c.99 (C.18A:64-87) is amended to read  
17 as follows:

18 2. A **【State college】** four-year public institution of higher  
19 education is authorized to insure, contract or provide for any  
20 insurable interest of the **【State college】** institution in the manner  
21 authorized by section 3 of **【this act】** P.L.2010, c.99 (C.18A:64-86 et  
22 seq.), for the following:

23 a. Any loss or damage to its property, real or personal, motor  
24 vehicles, equipment or apparatus;

25 b. Loss or damage from liability as established by the "New  
26 Jersey Contractual Liability Act," N.J.S.59:13-1 et seq.;

27 c. Loss or damage from liability as established by the workers'  
28 compensation law, R.S.34:15-1 et seq.; and

29 d. Expenses of defending any claim against the **【State college】**  
30 institution, trustee, officer, employee or servant arising out of and in  
31 the course of the performance of their duties, whether or not liability  
32 exists on the claim, not eligible for defense and indemnification by  
33 the State of New Jersey in accordance with the provisions of the  
34 "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq.

35 (cf: P.L.2010, c.99, s.2)

36  
37 10. Section 3 of P.L.2010, c.99 (C.18A:64-88) is amended to read  
38 as follows:

39 3. a. Any two or more **【State colleges】** four-year public  
40 institutions of higher education may form and become members of a  
41 **【State】** public college risk management group. A **【State college】**  
42 four-year public institution of higher education may take this action  
43 by resolution of the governing board of **【trustees of】** the **【State**  
44 **college】** institution. Through membership in a **【State】** public college  
45 risk management group, a **【State college】** four-year public institution  
46 of higher education may participate in any joint liability funds, risk  
47 management programs or related services offered or provided by the  
48 group. The group shall have the power to establish funds for

1 coverages authorized in section 2 of **【this act】** P.L.2010, c.99  
2 (C.18A:64-86 et seq.) and to jointly purchase insurance or coverages  
3 under a master policy or contract of insurance for participating  
4 members. The group shall have the power to take other actions  
5 necessary to developing, administering, and providing risk  
6 management programs, joint liability funds, joint insurance  
7 purchases, and related services.

8 b. The bylaws of the **【State】** public college risk management  
9 group shall provide that any **【State college】** four-year public  
10 institution of higher education may join the group, provided it agrees  
11 to comply with the standards for membership, including risk  
12 management programs, which shall be established by the group, and  
13 may be a member as long as it complies with the standards for  
14 membership.

15 c. A **【State】** public college risk management group may sue or  
16 be sued for the liabilities and coverages authorized by section 2 of  
17 **【this act】** P.L.2010, c.99 (C.18A:64-86 et seq.) and shall appoint a  
18 natural person residing in this State or a corporation authorized to do  
19 business in this State as its agent for service of process. The group  
20 shall notify the commissioner and the Office of the Attorney General  
21 of the appointment.

22 d. A **【State】** public college risk management group shall not be  
23 considered or deemed to be an insurance company or an insurer under  
24 the laws of this State and the development, administration or  
25 provision by a group of joint liability funds, risk management  
26 programs, and related services shall not constitute the transaction of  
27 insurance or the conducting of an insurance business. A group shall  
28 not be subject to the provisions of Title 17, Subtitle 3 of the Revised  
29 Statutes.

30 (cf: P.L.2010, c.99, s.3)

31

32 11. Section 4 of P.L.2010, c.99 (C.18A:64-89) is amended to read  
33 as follows:

34 4. a. The bylaws of a **【State】** public college risk management  
35 group shall:

36 (1) set forth a statement of purposes of the group;

37 (2) set forth provisions for organization of the group, including  
38 governance by a board of trustees;

39 (3) provide for the delivery of risk management programs in  
40 conjunction with any joint liability fund which the board of trustees  
41 shall establish;

42 (4) set forth procedures to enforce the collection of any  
43 contributions or payments in default;

44 (5) set forth membership standards as required in section 3 of  
45 **【this act】** P.L.2010, c.99 (C.18A:64-86 et seq.);

46 (6) require that, for each joint liability fund, a contract or  
47 contracts of specific and aggregate excess insurance or reinsurance is



1 maintained, if available, unless otherwise recommended by the  
2 trustees upon the advice and report of an independent actuary;  
3 (7) set forth procedures for:  
4 (a) withdrawal from the group and a fund by a member;  
5 (b) termination of the group or fund and disposition of assets; and  
6 (c) determining the obligations, if any, of a member in the event  
7 that the group is unable to pay indemnification obligations and  
8 expenses payable from a fund administered by it;  
9 (8) require an annual certified audit to be prepared and filed with  
10 the commissioner;  
11 (9) require that any joint liability fund be developed and operated  
12 in accordance with accepted and sound actuarial practices;  
13 (10) provide that any expenditure of moneys in a fund be in  
14 furtherance of the purpose of the fund; and  
15 (11) set forth other provisions as desired for operation and  
16 governance of the group.

17 b. The bylaws of a **【State】** public college risk management  
18 group shall provide for governance of the group by a board of trustees  
19 selected in accordance with the provisions of the bylaws. The bylaws  
20 shall provide for trustee powers and duties and shall include, but not  
21 be limited to, the following powers of the board of trustees:  
22 (1) to determine and establish contributions and rates, loss  
23 reserves, surplus, limits of coverage, limits of excess or reinsurance,  
24 coverage documents, dividends and other financial and operating  
25 policies of the group or fund;  
26 (2) to invest moneys held in trust under a fund in investments  
27 which are approved for investment by regulation of the State  
28 Investment Council for surplus moneys of the State;  
29 (3) to purchase, acquire, hold, lease, sell and convey real and  
30 personal property, all of which property shall be exempt from  
31 taxation under chapter 4 of Title 54 of the Revised Statutes;  
32 (4) to collect and disburse all money due to or payable by the  
33 group, or authorize such collection and disbursement;  
34 (5) to enter into contracts with other persons or with public bodies  
35 of this State for any professional, administrative or other services as  
36 may be necessary to carry out the purposes of the group or any fund;  
37 (6) to purchase and serve as the master policyholders, if desired,  
38 for any insurance, including excess or reinsurance; and  
39 (7) to do all other things necessary and proper to carry out the  
40 purposes for which the group is established.  
41 (cf: P.L.2010, c.99, s.4)  
42

43 12. Section 5 of P.L.2010, c.99 (C.18A:64-90) is amended to read  
44 as follows:

45 5. a. The board of trustees of a **【State】** public college risk  
46 management group shall have not less than three or more than 15  
47 trustees. A trustee shall be a natural person 18 years of age or older  
48 who is a resident of this State. A majority of the trustees of a group  
49 shall be members or employees of member **【State colleges】**

1 institutions of higher education, provided that a trustee who ceases to  
2 be a member or employee of a **【State college】** four-year public  
3 institution of higher education may be allowed to serve for not more  
4 than 90 days following cessation without violating this provision.

5 b. A trustee shall not be paid a salary, except that the written  
6 trust instrument may provide for reimbursement for actual expenses  
7 incurred on behalf of the fund and for compensation not to exceed  
8 \$200 for any day or portion of a day spent at a meeting of the trustees.  
9 Except as otherwise provided in this act, a trustee shall not enter into  
10 any contract with the group or receive any moneys or other  
11 compensation or thing of value whatsoever from the group for  
12 services performed for or on behalf of the group.

13 (cf: P.L.2010, c.99, s.5)

14  
15 13. Section 6 of P.L.2010, c.99 (C.18A:64-91) is amended to read  
16 as follows:

17 6. a. A **【State】** public college risk management group, or any joint  
18 liability fund of the group, shall not begin functioning as a means of  
19 providing coverage or protection for or among its members until the  
20 group's bylaws have been filed with and approved by the  
21 commissioner. The commissioner may disapprove the bylaws only  
22 if the bylaws do not conform with the provisions of **【this act】**  
23 P.L.2010, c.99 (C.18A:64-86 et seq.). The commissioner shall set  
24 forth the reasons for disapproval in writing. If the commissioner fails  
25 to approve or disapprove the bylaws within 60 days following filing  
26 of the bylaws with the commissioner, the bylaws shall be deemed  
27 approved. The reasonable costs of the commissioner's review of the  
28 bylaws shall be chargeable to the **【State】** colleges seeking to  
29 establish the group.

30 b. A **【State】** public college risk management group shall file an  
31 annual report, on a form to be prescribed by the commissioner, and  
32 shall include a financial statement of the group's assets and liabilities,  
33 the claims paid during the preceding 12 months, current reserves,  
34 incurred losses, and any other information that the commissioner may  
35 require.

36 c. The commissioner shall have authority to examine the books,  
37 records and affairs of any **【State】** public college risk management  
38 group or any of its liability funds at a time to be fixed by the  
39 commissioner. The reasonable costs of any examination or review  
40 shall be chargeable to the **【State】** public college risk management  
41 group.

42 d. If at any time the commissioner determines that the **【State】**  
43 public college risk management group has experienced a  
44 deterioration in its financial condition which adversely affects or will  
45 adversely affect its ability to pay expected losses, the commissioner  
46 may:

47 (1) require an increase in the reserves of the group as required by  
48 section 4 of **【this act】** P.L.2010, c.99 (C.18A:64-86 et seq.); or

1 (2) require the purchase of excess insurance or reinsurance.  
2 (cf: P.L.2010, c.99, s.6)

3  
4 14. Section 7 of P.L.2010, c.99 (C.18A:64-92) is amended to read  
5 as follows:

6 7. Funds for premiums required by the contract between the  
7 governing body of the **【State college】** four-year public institution of  
8 higher education and the board of trustees of the **【State】** public  
9 college risk management group shall be appropriated and paid as set  
10 forth in the contract in the same manner as appropriations are made  
11 for other expenses of the **【State college】** four-year public institution  
12 of higher education.

13 (cf: P.L.2010, c.99, s.7)

14  
15 15. Section 8 of P.L.2010, c.99 (C.18A:64-93) is amended to read  
16 as follows:

17 8. The Commissioner of Banking and Insurance shall  
18 promulgate rules and regulations necessary to effectuate the purposes  
19 of this act pursuant to the "Administrative Procedure Act," P.L.1968,  
20 c.410 (C.52:14B-1 et seq.). The rules and regulations shall include,  
21 but not be limited to, the establishment, operation, modification and  
22 dissolution of a **【State】** public college joint liability fund established  
23 pursuant to the provisions of **【this act】** P.L.2010, c.99 (C.18A:64-86  
24 et seq.).

25 (cf: P.L.2010, c.99, s.8)

26  
27 16. Section 9 of P.L.2017, c.178 (C.18A:64N-9) is amended to  
28 read as follows:

29 9. The board of trustees of Montclair State University shall have  
30 the general supervision over and be vested with the conduct of the  
31 university. It shall have the power and duty to:

32 a. Adopt **【and】**, use , and modify, as it deems appropriate, its  
33 **【a】** corporate seal;

34 b. Determine the educational curriculum and program of the  
35 university , including approving the establishment of new  
36 educational programs, departments, or schools, and the  
37 discontinuance of existing educational programs, departments, or  
38 schools at the university, provided that the action is consistent with  
39 the university's programmatic mission and that the action is reviewed  
40 by the New Jersey President's Council pursuant to subsection c. of  
41 section 8 of P.L.1994, c.48(C.18A:3B-8) or approved by the  
42 Secretary of Higher Education pursuant to subsection f. of section 14  
43 of P.L.1994, c.48(C.18A:3B-14), as applicable;

44 c. Determine policies for the organization, administration, and  
45 development of the university;

46 d. Study the educational and financial needs of the university,  
47 annually acquaint the Governor and Legislature with the condition of  
48 the university, and prepare and submit an annual request for

- 1 appropriation to the Division of Budget and Accounting in the  
2 Department of the Treasury in accordance with law;
- 3 e. Disburse all moneys appropriated to the university by the  
4 Legislature and all moneys received from tuition, fees, auxiliary  
5 services and other sources;
- 6 f. Direct and control expenditures and transfers of funds  
7 appropriated to the university in accordance with the provisions of  
8 the State budget and appropriation acts of the Legislature, and, as to  
9 funds received from other sources, direct and control expenditures  
10 and transfers in accordance with the terms of any applicable trusts,  
11 gifts, bequests, or other special provisions, reporting changes and  
12 additions thereto and transfers thereof to the Director of the Division  
13 of Budget and Accounting in the Department of the Treasury. All  
14 accounts of the university shall be subject to audit by the State at any  
15 time;
- 16 g. In accordance with the provisions of the State budget and  
17 appropriation acts of the Legislature, appoint and fix the  
18 compensation and term of office of a president of the university who  
19 shall be the executive officer of the university and an ex officio  
20 member of the board of trustees, without vote, and shall serve at the  
21 pleasure of the board of trustees;
- 22 h. In accordance with the provisions of the State budget and  
23 appropriation acts of the Legislature, appoint, upon nomination of the  
24 president, such deans and other members of the academic,  
25 administrative, and teaching staffs as shall be required and fix their  
26 compensation and terms of employment;
- 27 i. Consistent with the provisions of its budget, this act and any  
28 and all controlling collective bargaining agreements, have the power,  
29 upon nomination or recommendation of the president, to appoint,  
30 remove, promote and transfer all other officers, agents, or employees  
31 which may be required to carry out the provisions of this act and  
32 prescribe qualifications for those positions, and assign requisite  
33 duties and determine and fix respective compensation for those  
34 positions in accordance with duly adopted salary program  
35 parameters;
- 36 j. Grant diplomas, certificates or degrees;
- 37 k. Enter into contracts and agreements with the State or any of  
38 its political subdivisions or with the United States, or with any public  
39 body, department or other agency of the State or the United States,  
40 including any public institution of higher education in the State or  
41 their subsidiaries or affiliates, or with any individual, firm or  
42 corporation which are deemed necessary or advisable by the board  
43 for carrying out the provisions of this act. A contract or agreement  
44 pursuant to this subsection may require a municipality to undertake  
45 obligations and duties to be performed subsequent to the expiration  
46 of the term of office of the elected governing body of such  
47 municipality which initially entered into or approved said contract or  
48 agreement, and the obligations and duties so incurred by such  
49 municipality shall be binding and of full force and effect,  
50 notwithstanding that the term of office of the elected governing body

- 1 of such municipality which initially entered into or approved said  
2 contract or agreement, shall have expired;
- 3 l. Exercise the right of eminent domain, pursuant to the  
4 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
5 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 6 m. Adopt, after consultation with the president and faculty,  
7 bylaws and make and promulgate such rules, regulations, and orders,  
8 not inconsistent with the provisions of this act as are necessary and  
9 proper for the administration and operation of the university and the  
10 carrying out of its purposes;
- 11 n. Establish fees for room and board sufficient for the operation,  
12 maintenance, and rental of student housing and food services  
13 facilities;
- 14 o. Fix and determine tuition rates and other fees to be paid by  
15 students;
- 16 p. Accept from any government or governmental department,  
17 agency or other public or private body or from any other source  
18 grants or contributions of money or property which the board may  
19 use for or in aid of any of its purposes;
- 20 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
21 lease, dispose of, use and operate property, whether real, personal or  
22 mixed, or any interest therein, which is necessary or desirable for  
23 university purposes;
- 24 r. Employ architects to plan buildings; secure bids for the  
25 construction of buildings and for the equipment thereof; make  
26 contracts for the construction of buildings and for equipment; and  
27 supervise the construction of buildings;
- 28 s. Manage and maintain, and provide for the payment of all  
29 charges on and expenses in respect of, all properties utilized by the  
30 university;
- 31 t. Borrow money and to secure the same by a mortgage on its  
32 property or any part thereof, and to enter into any credit agreement  
33 for the needs of the university, as deemed requisite by the board, in  
34 such amounts and for such time and upon such terms as may be  
35 determined by the board, provided that no such borrowing shall be  
36 deemed or construed to create or constitute a debt, liability, or a loan  
37 or pledge of the credit or be payable out of property or funds, other  
38 than moneys appropriated for that purpose, of the State;
- 39 u. Authorize any other new program, educational department or  
40 school **【consistent with the programmatic mission of the institution**  
41 **or approved by the Secretary of Higher Education】**;
- 42 v. Adopt standing operating rules and procedures for the  
43 purchase of all equipment, materials, supplies and services; however,  
44 no contract on behalf of the university shall be entered into for the  
45 purchase of services, materials, equipment and supplies, for the  
46 performance of any work, or for the hiring of equipment or vehicles,  
47 where the sum to be expended exceeds \$33,000 or the amount  
48 determined by the Governor as provided herein, unless the university  
49 shall first publicly advertise for bids and shall award the contract to  
50 that responsible bidder whose bid, conforming to the invitation for  
51 bids, will be most advantageous to the university, price and other

1 factors considered. Such advertising shall not be required in those  
2 exceptions created by the board of trustees of the university, which  
3 shall be in substance those exceptions contained in sections 4 and 5  
4 of P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43  
5 (C.18A:64-56) or for the supplying of any product or the rendering  
6 of any service by a public utility subject to the jurisdiction of the  
7 Board of Public Utilities of this State and tariffs and schedules of the  
8 charges made, charged, or exacted by the public utility for any such  
9 products to be supplied or services to be rendered are filed with the  
10 said board.

11 Commencing July 1, 2017 and every two years thereafter, the  
12 Governor, in consultation with the Department of the Treasury, shall  
13 adjust the threshold amount set forth in this paragraph in direct  
14 proportion to the rise or fall of the consumer price index for all urban  
15 consumers in the New York City and the Philadelphia areas as  
16 reported by the United States Department of Labor. The Governor  
17 shall notify the university of the adjustment. The adjustment shall  
18 become effective 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 of  
24 the university's service will not admit of such advertisement. In such  
25 case, the university shall, by resolution passed by the affirmative vote  
26 of its board of trustees, declare the exigency or emergency to exist,  
27 and set forth in the resolution the nature and approximate amount to  
28 be expended; shall maintain appropriate records as to the reason for  
29 such awards; and shall report regularly to its board of trustees on all  
30 such purchases, the amounts and the reasons therefor;

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

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

44 x. (1) Participate as the general partner or as a limited partner,  
45 either directly or through a subsidiary corporation created by the  
46 university, in limited partnerships, general partnerships, or joint  
47 ventures to support any purpose related to the university including,  
48 but not limited to, those engaged in the development, manufacture,  
49 or marketing of products, technology, scientific information or  
50 services and create or form for-profit or **【not-for-profit】 nonprofit**  
51 corporations to engage in such activities; provided that any such

1 participation shall be consistent with the mission of the university  
2 and the board shall have determined that such participation is  
3 prudent;

4 (2) The decision to participate in any activity described in  
5 paragraph (1) of this subsection, including the creation or formation  
6 of for-profit or **[not-for-profit]** nonprofit corporations, shall be  
7 articulated in the minutes of the board of trustees meeting in which  
8 the action was approved;

9 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall  
10 continue to apply to the university, its employees, and officers;

11 (4) Nothing herein shall be deemed or construed to create or  
12 constitute a debt, liability, or a loan or pledge of the credit or be  
13 payable out of property or funds of the State;

14 (5) Funds directly appropriated to the university from the State or  
15 derived from the university's academic programs shall not be utilized  
16 by the for-profit or **[not-for-profit]** nonprofit corporations organized  
17 and operated pursuant to this subsection in the development,  
18 manufacture, or marketing of products, technology or scientific  
19 information;

20 (6) Employees of any joint venture, subsidiary corporation,  
21 partnership, or other jural entity formed, entered into, or owned  
22 wholly or in part by the university shall not be deemed public  
23 employees, however, any public employees of the university who  
24 may be assigned to support any joint venture, subsidiary corporation,  
25 partnership, or other jural entity formed, entered into, or owned  
26 wholly or in part by the university shall continue to be deemed public  
27 employees;

28 (7) A joint venture, subsidiary corporation, partnership, or other  
29 jural entity entered into or owned wholly or in part by the university  
30 shall not be deemed an instrumentality of the State of New Jersey;

31 (8) Income realized by the university **[as a result of participation**  
32 **in the development, manufacture, or marketing of products,**  
33 **technology, or scientific information]** pursuant to this subsection  
34 may be invested [or], reinvested [pursuant to subsection w. of this  
35 section or any other provision] , or retained by the board in  
36 accordance with the provisions of this act or State or federal law [or  
37 retained by the board] for use in furtherance of any of the purposes  
38 of this act or of other applicable statutes;

39 (9) The board shall annually report to the State Treasurer on the  
40 operation of all joint ventures, subsidiary corporations, partnerships,  
41 or such other jural entities entered into or owned wholly or in part by  
42 the university; and

43 (10) This subsection shall apply if a joint venture, subsidiary  
44 corporation, partnership, or other jural entity entered into or owned  
45 wholly or in part by the university, is expressly formed, created, or  
46 owned by the university pursuant to the authority set forth in this  
47 subsection. Further, this subsection shall in no way be construed to  
48 prohibit or limit the university from separately pursuing any other  
49 activities permitted by the authority granted under this act, or  
50 separately utilizing any other powers expressly authorized by this act

1 for any activity consistent with the university's institutional mission,  
2 including to participate as the general partner or as a limited partner,  
3 either directly or through a subsidiary corporation created by the  
4 university, in limited partnerships, general partnerships, or joint  
5 ventures, otherwise than pursuant to this subsection;

6 y. Sue and be sued in its own name;

7 z. Retain independent counsel including representation by the  
8 Attorney General in accordance with subsection h. of section 6 of  
9 P.L.1994, c.48 (C.18A:3B-6) and, notwithstanding any other  
10 provision of law to the contrary, if the university elects not to be  
11 represented by the Attorney General in any matter in which the  
12 university is solely responsible for any potential liability, it shall be  
13 permitted to do so upon notice to the Attorney General;

14 aa. (1) Procure and enter into contracts for any type of insurance  
15 and indemnify and defend against loss or damage to property from  
16 any cause, including loss of use and occupancy, against death or  
17 injury of any person, against employees' liability, against any act of  
18 any member, officer, employee or servant of the university, whether  
19 part-time, full-time, compensated or non-compensated in the  
20 performance of the duties of his office or employment or any other  
21 insurable risk. In addition, the university shall carry its own liability  
22 insurance or maintain an actuarially sound program of self insurance.  
23 Any joint venture, subsidiary corporation, or partnership or such  
24 other jural entity entered into or owned wholly or in part by the  
25 university shall carry insurance or maintain reserves in such amounts  
26 as are determined by an actuary to be sufficient to meet its actual or  
27 accrued claims;

28 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
29 administered by the State Treasurer shall continue to be available to  
30 the university solely to indemnify and defend claims against the  
31 university and its employees, officers and servants but only to the  
32 extent that the university has elected on behalf of itself and its  
33 employees to obtain representation from the Attorney General  
34 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
35 6) and such entity or individuals would have been entitled to defense  
36 and indemnification pursuant to the "New Jersey Tort Claims Act,"  
37 N.J.S.59:1-1 et seq., as a State entity or State employee but for the  
38 provision of subsection z. of this section. Any expenditure of such  
39 funds shall be made only in accordance with the provisions of the  
40 "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not  
41 limited to the provisions of chapters 10, 10A and 11 of Title 59 of  
42 the New Jersey Statutes. Nothing herein shall be construed to  
43 authorize the use of the Self-Insurance Trust Fund to indemnify or  
44 insure in any way, directly or indirectly the activities of any joint  
45 venture, partnership or corporation entered into or created by the  
46 university pursuant to subsection x. of this section;

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

49 cc. Adopt a code of ethics that complies with the requirements of  
50 all statutes applicable to the institution, including, but not limited, to



1 the "Higher Education Restructuring Act of 1994," P.L.1994, c.48  
2 (C.18A:3B-1 et al.), the "New Jersey Conflicts of Interest Law,"  
3 P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of the State Ethics  
4 Commission, and any applicable executive orders; **[and]**

5 dd. Establish a procedure for the confidential, anonymous  
6 submission of employee concerns regarding alleged wrongdoing at  
7 the university;

8 ee. Merge or consolidate, including through subsidiary  
9 corporations created by the university, with one or more other  
10 nonprofit corporations formed and operated primarily for educational  
11 purposes and exempt under paragraph (3) of subsection (c) of section  
12 501 of the federal Internal Revenue Code of 1986, 26 U.S.C.  
13 s.501(c)(3), as the board of trustees may determine, but consistent  
14 with the public purposes of the corporation, and shall assume any  
15 vested rights, grants, charter rights, privileges, exemptions,  
16 immunities, powers, prerogatives, franchises or advantages, debts, or  
17 liabilities of the nonprofit corporation; and

18 ff. Have final authority to determine controversies and disputes  
19 concerning tenure and personnel matters of employees not classified  
20 under Title 11A of the New Jersey Statutes. Any matter arising under  
21 this subsection may be assigned to an administrative law judge, an  
22 independent hearing officer or a subcommittee of the board of  
23 trustees for hearing and initial decision by the board, except for  
24 tenure hearings pursuant to N.J.S.18A:6-18. Any hearings conducted  
25 pursuant to this subsection shall conform to the requirements of the  
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
27 seq.). The final administrative decision of the board of trustees is  
28 appealable to the Superior Court, Appellate Division.

29 (cf: P.L.2017, c.178, s.9)

30  
31 17. Section 11 of P.L.2017, c.178 (C.18A:64N-11) is amended to  
32 read as follows:

33 11. a. The university is authorized to be a participating contracting  
34 unit in a cooperative pricing system established by any municipal,  
35 county, or State public agency, instrumentality of the State, public  
36 institution of higher education in the State, or any subsidiary or  
37 affiliate of a public institution of higher education in the State, or any  
38 federal supply schedule pursuant to the laws of this State.

39 b. The university may make purchases and contract for services  
40 through the use of a nationally-recognized and accepted cooperative  
41 purchasing agreement, including a cooperative purchasing agreement  
42 in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1  
43 et al.), in accordance with the provisions of paragraph (3) of  
44 subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

45 c. The State Treasurer may promulgate rules and regulations  
46 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
47 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes  
48 of this section.

49 (cf: P.L.2017, c.178, s.11)

1       18. Section 16 of P.L.2017, c.178 (C.18A:64N-16) is amended to  
2 read as follows:

3       16. No trustee or officer of the university shall be personally  
4 liable for any debt, obligation, or other liability of the university or  
5 incurred by or on behalf of the university or any constituent unit,  
6 subsidiary, or affiliate thereof.  
7 (cf: P.L.2017, c.178, s.16)

8  
9       19. Section 21 of P.L.2017, c.178 (C.18A:64N-21) is amended to  
10 read as follows:

11       21. Upon the establishment of the body corporate and politic  
12 known as Montclair State University:

13       a. All appropriations, grants, debt service, research funds, and  
14 other monies available to Montclair State University prior to the  
15 effective date of **【this act】** P.L.2017, c.178 (C.18A:64N-1 et seq.)  
16 and to become available shall be transferred to the university by the  
17 Director of the Division of Budget and Accounting in the Department  
18 of the Treasury and shall be available for the objects and purposes  
19 for which appropriated, subject to any terms, restrictions, limitations  
20 or other requirements imposed by the State budget;

21       b. All other grants, gifts, other moneys and property available to  
22 Montclair State University prior to the effective date of **【this act】**  
23 P.L.2017, c.178 (C.18A:64N-1 et seq.) and to become available to or  
24 for Montclair State University shall be transferred to the university  
25 and shall be available for the objects and purposes of the university,  
26 subject to any terms, restrictions, limitations or other requirements  
27 imposed by State and federal law or otherwise;

28       c. All employees of Montclair State University prior to the  
29 effective date of **【this act】** P.L.2017, c.178 (C.18A:64N-1 et seq.)  
30 shall become employees of the university. Nothing in this act shall  
31 be construed so as to deprive any person of any right of tenure or  
32 under any retirement system or to any pension, disability, social  
33 security or similar benefit, to which the person is entitled by law or  
34 contractually. All persons employed at Montclair State University  
35 shall continue to be represented by the majority representative that  
36 represented them on the effective date of **【this act, shall continue to**  
37 **be represented by the executive branch Statewide collective**  
38 **negotiations units they were in on the effective date of this act】**  
39 P.L.2017, c.178 (C.18A:64N-1 et seq.), and shall continue to be  
40 covered by the collective negotiations agreements that were in effect  
41 on the effective date of **【this act】** P.L.2017, c.178 (C.18A:64N-1 et  
42 seq.) until such time as a successor agreement is established.  
43 **【Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1), the**  
44 **Governor】** Montclair State University shall **【continue to】** function as  
45 the public employer under the "New Jersey Employer-Employee  
46 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), for persons  
47 employed at Montclair State University. **【The executive branch**  
48 **Statewide collective negotiations units referenced in this section are**

1 the units specified in subsection b. of section 1 of P.L.2005, c.142  
2 (C.34:13A-5.10).】 The employees of Montclair State University  
3 employed on the effective date of 【this act】 P.L.2017, c.178  
4 (C.18A:64N-1 et seq.) shall not be considered new employees for any  
5 purpose and shall retain any accrued seniority, rank, and tenure,  
6 which shall be applied when determining eligibility for all benefits,  
7 including all paid leave time, longevity increases, promotions and  
8 health benefits. Nothing in 【this act】 P.L.2017, c.178 (C.18A:64N-  
9 1 et seq.) shall be construed to deprive any person employed at  
10 Montclair State University of any tenure rights or to in any manner  
11 affect the tenure, rank, or academic track of any employees holding  
12 a faculty position. Such tenure, rank and academic track shall  
13 continue to be through Montclair State University and shall be held  
14 or granted pursuant to the authority of the board of trustees of  
15 Montclair State University for all current and future employees  
16 employed at Montclair State University. Nothing in 【this act】  
17 P.L.2017, c.178 (C.18A:64N-1 et seq.) shall be construed to deprive  
18 any officers or employees employed at Montclair State University of  
19 their rights, privileges, obligations or status under any pension,  
20 retirement, health benefits system, civil service law or any other law  
21 of this State;

22 d. All files, papers, records, equipment and other personal  
23 property of Montclair State University shall be transferred to the  
24 university; 【and】

25 e. All orders, rules or regulations theretofore made or  
26 promulgated by Montclair State University shall continue in full  
27 force and effect as the orders, rules and regulations of the university  
28 until amended or repealed by the university; and

29 f. Any person who becomes an employee of Montclair State  
30 University or a subsidiary corporation of the university other than a  
31 subsidiary corporation expressly formed pursuant to subsection ee.  
32 of section 9 of P.L.2017, c.178 (C.18A:64N-9) through a merger or  
33 consolidation with another entity, shall be deemed a public employee  
34 and shall, as applicable, become a member of the university's  
35 collective negotiations unit which encompasses the employee's  
36 position and shall be represented by the majority representatives of  
37 that unit.

38 (cf: P.L.2017, c.178, s.21)

39  
40 20. Section 24 of P.L.2017, c.178 (C.18A:64N-24) is amended to  
41 read as follows:

42 24. a. The general powers of supervision and control of the  
43 Secretary of Higher Education at the request of the Governor over  
44 Montclair State University include the power to visit the university  
45 to examine into its manner of conducting its affairs and to enforce an  
46 observance of 【its laws and regulations and】 the laws of the State.

47 b. Notwithstanding any other provision of law to the contrary,  
48 Montclair State University, through its board of trustees, shall have

1 the care, custody, control, and title of such property as the State now  
2 has or shall hereafter acquire at the university, subject to the visitorial  
3 powers of the Secretary of Higher Education at the request of the  
4 Governor.

5 (cf: P.L.2017, c.178, s.24)

6  
7 21. This act shall take effect immediately.

8  
9  
10 STATEMENT

11  
12 This bill provides for the merger of Bloomfield College with  
13 Montclair State University, expands the powers and property of  
14 Montclair State University, and expands the State college risk  
15 management group.

16 The bill provides a pathway for Bloomfield College, an  
17 independent college, to become a school of Montclair State  
18 University. The bill updates the law that established Bloomfield  
19 College to reflect the current governance structure of Bloomfield  
20 College. The bill further permits the college to organize as a  
21 nonprofit corporation under Title 15A of the New Jersey Statutes and  
22 to merge or consolidate with another nonprofit corporation formed  
23 and operated primarily for educational purposes.

24 The State is the current owner of most of the land, including its  
25 buildings and structures, at Montclair State University in the  
26 townships of Montclair, Little Falls, and Clifton. The State leases  
27 this property to the institution. The bill transfers property owned by  
28 the State at Montclair State University to the university. Specifically,  
29 under the bill, Montclair State University will have the care, custody,  
30 control, and title of any property the State now has or will hereafter  
31 acquire at the university, subject to the visitorial powers of the  
32 Secretary of Higher Education at the request of the Governor.

33 The bill makes numerous changes, clarifications, and additions to  
34 the powers and duties of the board of trustees of Montclair State  
35 University including the power or duty to:

- 36 • modify its corporate seal;
- 37 • approve the establishment or discontinuance of educational
- 38 programs, departments, or schools;
- 39 • enter into contracts and agreements with other public
- 40 institutions of higher education and their subsidiaries and
- 41 affiliates;
- 42 • merge or consolidate, including through subsidiary
- 43 corporations created by the university, with one or more other
- 44 nonprofit corporations; and
- 45 • have final authority to determine controversies and disputes
- 46 concerning tenure and personnel matter of employees not
- 47 classified under Title 11A of the New Jersey Statutes.

48 Additionally, the bill provides that:

- 1       • any public employees of the university who may be assigned
- 2       to support any joint venture, subsidiary corporation,
- 3       partnership, or other jural entity of the university will
- 4       continue to be deemed public employees; and
- 5       • the university may elect to not be represented by the Attorney
- 6       General in any matter in which the university is solely
- 7       responsible for any potential liability.

8       The bill amends the law that authorizes Montclair State University  
9       to be a participating contracting unit in a cooperative pricing system.  
10      Under the bill, a pricing system may be established by any municipal,  
11      county, or State public agency, instrumentality of the State, public  
12      institution of higher education in the State, or any subsidiary or  
13      affiliate of a public institution of higher education in the State, or any  
14      federal supply schedule.

15      The bill extends the law protecting any trustee or officer of  
16      Montclair State University from personal liability for any debt,  
17      obligation, or liability of the university to any debt, obligation, or  
18      liability incurred by or on behalf of a university subsidiary or  
19      affiliate.

20      The bill permits cooperative use of the buildings or facilities of  
21      public institutions of higher education, or of its subsidiaries or  
22      affiliates, with one or more other public institutions of higher  
23      education.

24      Current law authorizes two or more State colleges or universities to  
25      form a State college risk management group and to participate in joint  
26      liability funds, risk management programs, and related services  
27      provided by the group, subject to certain regulatory oversight by the  
28      Commissioner of Banking and Insurance. This bill renames the groups  
29      as “public” college risk management groups and permits all four-year  
30      public institutions of higher education to enter into these groups and  
31      programs