

[Second Reprint]

SENATE, No. 3848

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 15, 2023

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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 reported by the Assembly Appropriations Committee on June 22, 2023, with amendments.

(Sponsorship Updated As Of: 6/30/2023)

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

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

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

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

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

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

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

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

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

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

43 h. Recognizing the public importance of Bloomfield College,
44 and determining that it is both necessary and desirable for
45 university purposes, Montclair State University has entered into an

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 12, 2023.

²Assembly AAP committee amendments adopted June 22, 2023

1 agreement with Bloomfield College for it to become a part of
2 Montclair State University.

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

7
8 2. (New section) a. ¹As used in this section, "authority" means
9 the New Jersey Educational Facilities Authority established
10 pursuant to N.J.S.18A:72A-4.

11 b.¹ The governing board of a public institution of higher
12 education may permit the use of any part of a building or facility of
13 the institution, or of its subsidiaries or affiliates, in whole or in part,
14 by one or more other public institutions of higher education in a
15 manner that the education of students in the various institutions of
16 higher education may be conducted cooperatively and made more
17 widely and efficiently available to the people of the State.

18 ¹[b.] Notwithstanding the provisions of this subsection, if the
19 building or facility of the institution is owned by the authority, the
20 governing board of the institution shall obtain the authority's prior
21 written consent to such use as permitted by this subsection.

22 c.¹ The care, custody, and control of any building ¹or facility¹
23 used jointly by two or more public institutions of higher education
24 pursuant to subsection ²[a.] b.² of this section shall remain vested
25 in the governing board ¹of the institution¹ which permits the use of
26 the building or facility.

27 ¹[c.] d.¹ The care, custody, and control of a building ¹[of a
28 public institution of higher education] or facility owned by a public
29 institution of higher education and¹ used wholly by a second public
30 institution of higher education shall be exercised by the second
31 institution of higher education, subject to the visitorial power of the
32 first institution.

33 ¹e. The care, custody, and control of a building or facility of a
34 public institution of higher education owned by the authority and
35 used wholly by a second public institution of higher education shall
36 be exercised by the second institution of higher education, subject
37 to the visitorial power of the first institution and the authority.¹
38

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

40 1. **[Be it enacted by the Senate and General Assembly of the**
41 **State of New Jersey, That Jonathan F. Stearns, Joseph Few Smith,**
42 **Charles A. Smith, George C. Seibert, Charles E. Knox, Thomas N.**
43 **McCarter, F. Wolcott Jackson, William F. Van Wagenen and Philip**
44 **Doremus and their successors, are hereby constituted a body**
45 **corporate and politic, in fact and in name, by the name of "The**
46 **German Theological School of Newark, New Jersey," and by that**
47 **name shall have succession and be capable in law of taking and**
48 **holding, by gift, grant, devise or otherwise, and of holding and**

1 conveying, both in law and in equity, and real or personal estate,
2 and may have a common seal and change the same at pleasure.】
3 “The German Theological School of Newark, New Jersey,” a body
4 politic and corporate in fact and in law, established pursuant to
5 P.L.1871, c.18, that name having been further changed to
6 “Bloomfield Theological Seminary,” pursuant to P.L. 1913, c. 265,
7 and the name having been further changed to the “Bloomfield
8 College and Seminary,” pursuant to P.L.1931, c.260, shall hereby
9 be known as “Bloomfield College.”

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

11
12 4. Section 2 of P.L.1871, c.18 is amended to read as follows:

13 2. **【And be it enacted, That the】** The government of the 【said】
14 corporation shall be vested in a board of 【directors】 trustees, which
15 shall consist of 【nine members, five of whom shall be clergymen,
16 and four laymen; the incorporators above named shall be the first
17 board of directors of said corporation, and shall be divided into
18 three classes, to be numbered one, two, and three; the term of the
19 first shall expire in one, the second in two and the third in three
20 years from the first day of May last; Joseph Few Smith, Charles E.
21 Knox and Thomas N. McCarter, shall compose the first class;
22 Charles A. Smith, William F. Van Wagenen and Philip Doremus,
23 shall compose the second class, and Jonathan F. Stearns, George C.
24 Seibert and F. Wolcott Jackson, shall compose the third class; each
25 class of directors shall hereafter be chosen for and hold their office
26 during three years, and until a new election to supply the place of
27 such class】 not more than 39 persons of legal age all of whom shall
28 be elected by the board of trustees and one-third of whom are to be
29 elected each year. The organization of the initial board of trustees
30 shall be set forth in the corporation’s bylaws. The trustees shall be
31 appointed or elected in accordance with the corporation’s bylaws as
32 adopted and amended from time to time by the corporation’s board
33 of trustees, which shall include provisions for the qualifications for
34 trustees, terms, possible division into classes, and provisions for
35 removal of trustees from office. The trustees and their successors
36 shall manage and care for the estate of both real and personal
37 property of the corporation, and shall have the power to sell,
38 encumber as security for loans, or otherwise dispose of the property
39 in their discretion for the purpose of advancing the objectives of the
40 school, and shall also have power to adopt a constitution and all
41 necessary bylaws and ordinances for the management and
42 government of the school, provided they are not in conflict with the
43 laws of this State.

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

45
46 5. Section 3 of P.L.1871, c.18 is amended to read as follows:

47 3. **【And be it enacted, That the** Presbytery of Newark may
48 annually hereafter elect at its stated spring meeting, three directors

1 of said corporation to supply the place of the class which shall
2 expire in that year, and shall also have power to fill any vacancy
3 that may have happened by death, resignation or otherwise, in any
4 other class, such election to be held in such manner as the said
5 Presbytery of Newark shall direct; and any such election shall be
6 subject to review by the next General Assembly of the Presbyterian
7 Church in the United States of America; and in case the said general
8 assembly shall disapprove of such election, the offices of the
9 director or directors disapproved of, shall thereupon become vacant;
10 the board of directors shall also have power to fill all vacancies in
11 their own board which may happen from year to year, and such
12 appointment shall be valid until the first day of May then next
13 following, or until the election of a successor by the Presbytery as
14 aforesaid.】

15 a. Whenever deemed by the board of trustees to be in the best
16 interest of the corporation, it shall be lawful for the board of
17 trustees to approve the sale or other disposition of the corporation,
18 or of all or substantially all of the assets of the corporation, in
19 accordance with State law. Upon dissolution of the corporation or
20 the winding up of its affairs, the assets of the corporation shall be
21 distributed as set forth in the corporation's bylaws, provided that
22 the distribution shall be for one or more exempt purposes within the
23 meaning of paragraph (3) of subsection (c) of section 501 of the
24 federal Internal Revenue Code of 1986, 26 U.S.C. s.501(c)(3),
25 consistent with the educational purposes of the corporation, or shall
26 be distributed to the federal government, or to a state or local
27 government, for a public purpose.

28 b. Nothing contained within sections 1 through 5 of P.L.1871,
29 c.18 shall be construed to impair, annul, or affect any vested rights,
30 grants, charter rights, privileges, exemptions, immunities, powers,
31 prerogatives, franchises, or advantages heretofore obtained or
32 enjoyed by the corporation or any constituent unit thereof, under
33 authority of its charter or any act of this State or under any grant,
34 deed, conveyance, transfer, lease, estate, remainder, expectancy,
35 trust, gift, donation, legacy, devise, endowment, or fund, all of
36 which are hereby ratified and confirmed, and all of which shall
37 survive and shall continue to vest in the corporation and in any
38 nonprofit entity that merges or consolidates with the corporation,
39 along with the assumption of all of the liabilities that have not been
40 satisfied by the corporation prior to the merger or consolidation, or
41 any nonprofit entity that obtains substantially all of the assets of the
42 corporation or, in the event of a merger or consolidation,
43 substantially all of the assets of the successor of the corporation,
44 upon the dissolution or the winding up of the affairs of the
45 corporation or its successor.

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

47

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

1 4. **【And be it enacted, That the said directors and their**
2 successors shall have the management and care of the estate, both
3 real and personal of said corporation, and shall have power to sell
4 or otherwise dispose of the same in their discretion, for the purpose
5 of advancing the objects of said school, and shall also have power
6 to adopt a constitution and all necessary by-laws and ordinances for
7 the management and government of said school; provided, the same
8 be not in conflict with the laws and constitution of this State or of
9 the United States**】** Without limiting or impinging upon the powers
10 currently vested in the corporation pursuant to sections 1 through 5
11 of P.L.1871, c.18, the corporation may merge or consolidate with
12 one or more other nonprofit corporations formed under Title 15A of
13 the New Jersey Statutes and operated primarily for educational
14 purposes and exempt under paragraph (3) of subsection (c) of
15 section 501 of the federal Internal Revenue Code of 1986, 26
16 U.S.C. s.501(c)(3), as the board of trustees may determine, but
17 consistent with the public purposes of the corporation.
18 (cf: P.L.1871, c.18, s.4)

19
20 7. Section 5 of P.L.1871, c.18 is amended to read as follows:

21 5. **【And be it enacted, That, whenever from a cessation of**
22 German immigration, or from any other cause, it may be deemed
23 inexpedient longer to maintain said institution as a distinctive
24 German theological school, it shall be lawful for the directors, with
25 the approval of the Presbytery of Newark, and of the General
26 Assembly of the Presbyterian Church of the United States, to use
27 the property and funds of said corporation for any other branch of
28 theological and collegiate or collegiate education, or transfer its
29 property and funds to any other theological seminary; and in case of
30 such transfer of all the property of said corporation to another
31 seminary or seminaries, the corporate power hereby granted shall
32 cease, and said corporation shall be thereby dissolved.**】** The
33 corporation may have a member or members, the powers and
34 qualifications for which shall be set forth in the bylaws of the
35 corporation and which shall comply with the provisions of
36 N.J.S.15A:1-1 et seq.
37 (cf: P.L.1951, c.178)

38
39 8. Section 1 of P.L.2010, c.99 (C.18A:64-86) is amended to read
40 as follows:

41 1. As used in **【this act】** P.L.2010, c.99 (C.18A:64-86 set seq.):
42 "Board of trustees" or "trustees" means the board of trustees
43 established pursuant to the bylaws of the **【State】** public college risk
44 management group to govern or manage the risk management
45 programs, joint liability funds, and related services of the group.
46 "Certified audit" means an audit upon which an auditor expresses
47 a professional opinion that the accompanying statements present
48 fairly the financial position of a joint liability fund in conformity

1 with generally accepted accounting principles consistently applied,
2 and includes tests of the accounting records and other auditing
3 procedures as considered necessary in the circumstances.

4 "Commissioner" means the Commissioner of Banking and
5 Insurance.

6 "Contributions" means the moneys paid by a member of a
7 **【State】 public** college risk management group in amounts as may
8 be set by the board of trustees or other officers as provided in the
9 group's bylaws for the purposes of participating in a joint liability
10 fund or funds, or securing risk management programs or related
11 services.

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

19 **【"State college" means any of the State colleges or universities**
20 **established pursuant to chapter 64 of Title 18A of the New Jersey**
21 **Statutes.】**

22 **【"State Public** college risk management group" or "group"
23 means an association formed by two or more **【State colleges】 four-**
24 **year public institutions of higher education** for the development,
25 administration, and provision of risk management programs, joint
26 liability funds for the payment of liabilities incurred by the **【State**
27 **colleges】 institutions** and not funded by the State of New Jersey
28 pursuant to the provisions of the "New Jersey Tort Claims Act,"
29 N.J.S.59:1-1 et seq., and related services.

30 "Risk management program" means a plan, and activities carried
31 out under the plan, by a **【State】 public** college risk management
32 group to reduce risk of loss with respect to liabilities incurred by
33 the **【State colleges】 four-year public institutions of higher**
34 **education**, including safety engineering and other loss prevention
35 and control techniques. A risk management program also includes
36 the administration of one or more joint liability funds, including the
37 processing and defense of claims brought against or on behalf of
38 members of the group.

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

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

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

- 1 a. Any loss or damage to its property, real or personal, motor
2 vehicles, equipment or apparatus;
- 3 b. Loss or damage from liability as established by the "New
4 Jersey Contractual Liability Act," N.J.S.59:13-1 et seq.;
- 5 c. Loss or damage from liability as established by the workers'
6 compensation law, R.S.34:15-1 et seq.; and
- 7 d. Expenses of defending any claim against the **【State college】**
8 institution, trustee, officer, employee or servant arising out of and in
9 the course of the performance of their duties, whether or not
10 liability exists on the claim, not eligible for defense and
11 indemnification by the State of New Jersey in accordance with the
12 provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et
13 seq.
14 (cf: P.L.2010, c.99, s.2)

15
16 10. Section 3 of P.L.2010, c.99 (C.18A:64-88) is amended to
17 read as follows:

18 3. a. Any two or more **【State colleges】** four-year public
19 institutions of higher education may form and become members of a
20 **【State】** public college risk management group. A **【State college】**
21 four-year public institution of higher education may take this action
22 by resolution of the governing board of **【trustees of】** the **【State**
23 **college】** institution. Through membership in a **【State】** public
24 college risk management group, a **【State college】** four-year public
25 institution of higher education may participate in any joint liability
26 funds, risk management programs or related services offered or
27 provided by the group. The group shall have the power to establish
28 funds for coverages authorized in section 2 of **【this act】** P.L.2010,
29 c.99 (C.18A:64-86 et seq.) and to jointly purchase insurance or
30 coverages under a master policy or contract of insurance for
31 participating members. The group shall have the power to take other
32 actions necessary to developing, administering, and providing risk
33 management programs, joint liability funds, joint insurance
34 purchases, and related services.

35 b. The bylaws of the **【State】** public college risk management
36 group shall provide that any **【State college】** four-year public
37 institution of higher education may join the group, provided it
38 agrees to comply with the standards for membership, including risk
39 management programs, which shall be established by the group, and
40 may be a member as long as it complies with the standards for
41 membership.

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

1 d. A **【State】** public college risk management group shall not be
2 considered or deemed to be an insurance company or an insurer
3 under the laws of this State and the development, administration or
4 provision by a group of joint liability funds, risk management
5 programs, and related services shall not constitute the transaction of
6 insurance or the conducting of an insurance business. A group shall
7 not be subject to the provisions of Title 17, Subtitle 3 of the
8 Revised Statutes.

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

10
11 11. Section 4 of P.L.2010, c.99 (C.18A:64-89) is amended to
12 read as follows:

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

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

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

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

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

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

25 (6) require that, for each joint liability fund, a contract or
26 contracts of specific and aggregate excess insurance or reinsurance
27 is maintained, if available, unless otherwise recommended by the
28 trustees upon the advice and report of an independent actuary;

29 (7) set forth procedures for:

30 (a) withdrawal from the group and a fund by a member;

31 (b) termination of the group or fund and disposition of assets;
32 and

33 (c) determining the obligations, if any, of a member in the event
34 that the group is unable to pay indemnification obligations and
35 expenses payable from a fund administered by it;

36 (8) require an annual certified audit to be prepared and filed
37 with the commissioner;

38 (9) require that any joint liability fund be developed and
39 operated in accordance with accepted and sound actuarial practices;

40 (10) provide that any expenditure of moneys in a fund be in
41 furtherance of the purpose of the fund; and

42 (11) set forth other provisions as desired for operation and
43 governance of the group.

44 b. The bylaws of a **【State】** public college risk management
45 group shall provide for governance of the group by a board of
46 trustees selected in accordance with the provisions of the bylaws.
47 The bylaws shall provide for trustee powers and duties and shall

1 include, but not be limited to, the following powers of the board of
2 trustees:

3 (1) to determine and establish contributions and rates, loss
4 reserves, surplus, limits of coverage, limits of excess or reinsurance,
5 coverage documents, dividends and other financial and operating
6 policies of the group or fund;

7 (2) to invest moneys held in trust under a fund in investments
8 which are approved for investment by regulation of the State
9 Investment Council for surplus moneys of the State;

10 (3) to purchase, acquire, hold, lease, sell and convey real and
11 personal property, all of which property shall be exempt from
12 taxation under chapter 4 of Title 54 of the Revised Statutes;

13 (4) to collect and disburse all money due to or payable by the
14 group, or authorize such collection and disbursement;

15 (5) to enter into contracts with other persons or with public
16 bodies of this State for any professional, administrative or other
17 services as may be necessary to carry out the purposes of the group
18 or any fund;

19 (6) to purchase and serve as the master policyholders, if desired,
20 for any insurance, including excess or reinsurance; and

21 (7) to do all other things necessary and proper to carry out the
22 purposes for which the group is established.

23 (cf: P.L.2010, c.99, s.4)

24

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

27 5. a. The board of trustees of a **【State】** public college risk
28 management group shall have not less than three or more than 15
29 trustees. A trustee shall be a natural person 18 years of age or older
30 who is a resident of this State. A majority of the trustees of a group
31 shall be members or employees of member **【State colleges】**
32 institutions of higher education, provided that a trustee who ceases
33 to be a member or employee of a **【State college】** four-year public
34 institution of higher education may be allowed to serve for not more
35 than 90 days following cessation without violating this provision.

36 b. A trustee shall not be paid a salary, except that the written
37 trust instrument may provide for reimbursement for actual expenses
38 incurred on behalf of the fund and for compensation not to exceed
39 \$200 for any day or portion of a day spent at a meeting of the
40 trustees. Except as otherwise provided in this act, a trustee shall not
41 enter into any contract with the group or receive any moneys or
42 other compensation or thing of value whatsoever from the group for
43 services performed for or on behalf of the group.

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

45

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

1 6. a. A **【State】** public college risk management group, or any
2 joint liability fund of the group, shall not begin functioning as a
3 means of providing coverage or protection for or among its
4 members until the group's bylaws have been filed with and
5 approved by the commissioner. The commissioner may disapprove
6 the bylaws only if the bylaws do not conform with the provisions of
7 **【this act】** P.L.2010, c.99 (C.18A:64-86 et seq.). The commissioner
8 shall set forth the reasons for disapproval in writing. If the
9 commissioner fails to approve or disapprove the bylaws within 60
10 days following filing of the bylaws with the commissioner, the
11 bylaws shall be deemed approved. The reasonable costs of the
12 commissioner's review of the bylaws shall be chargeable to the
13 **【State】** colleges seeking to establish the group.

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

20 c. The commissioner shall have authority to examine the
21 books, records and affairs of any **【State】** public college risk
22 management group or any of its liability funds at a time to be fixed
23 by the commissioner. The reasonable costs of any examination or
24 review shall be chargeable to the **【State】** public college risk
25 management group.

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

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

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

35
36 14. Section 7 of P.L.2010, c.99 (C.18A:64-92) is amended to
37 read as follows:

38 7. Funds for premiums required by the contract between the
39 governing body of the **【State college】** four-year public institution
40 of higher education and the board of trustees of the **【State】** public
41 college risk management group shall be appropriated and paid as set
42 forth in the contract in the same manner as appropriations are made
43 for other expenses of the **【State college】** four-year public institution
44 of higher education.

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

46
47 15. Section 8 of P.L.2010, c.99 (C.18A:64-93) is amended to
48 read as follows:

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

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

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

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

18 b. Determine the educational curriculum and program of the
19 university , including approving the establishment of new
20 educational programs, departments, or schools, and the
21 discontinuance of existing educational programs, departments, or
22 schools at the university, provided that the action is consistent with
23 the university's programmatic mission and that the action is
24 reviewed by the New Jersey President's Council pursuant to
25 subsection c. of section 8 of P.L.1994, c.48 (C.18A:3B-8) or
26 approved by the Secretary of Higher Education pursuant to
27 subsection f. of section 14 of P.L.1994, c.48 (C.18A:3B-14), as
28 applicable;

29 c. Determine policies for the organization, administration, and
30 development of the university;

31 d. Study the educational and financial needs of the university,
32 annually acquaint the Governor and Legislature with the condition
33 of the university, and prepare and submit an annual request for
34 appropriation to the Division of Budget and Accounting in the
35 Department of the Treasury in accordance with law;

36 e. Disburse all moneys appropriated to the university by the
37 Legislature and all moneys received from tuition, fees, auxiliary
38 services and other sources;

39 f. Direct and control expenditures and transfers of funds
40 appropriated to the university in accordance with the provisions of
41 the State budget and appropriation acts of the Legislature, and, as to
42 funds received from other sources, direct and control expenditures
43 and transfers in accordance with the terms of any applicable trusts,
44 gifts, bequests, or other special provisions, reporting changes and
45 additions thereto and transfers thereof to the Director of the
46 Division of Budget and Accounting in the Department of the
47 Treasury. All accounts of the university shall be subject to audit by
48 the State at any time;

- 1 g. In accordance with the provisions of the State budget and
2 appropriation acts of the Legislature, appoint and fix the
3 compensation and term of office of a president of the university
4 who shall be the executive officer of the university and an ex officio
5 member of the board of trustees, without vote, and shall serve at the
6 pleasure of the board of trustees;
- 7 h. In accordance with the provisions of the State budget and
8 appropriation acts of the Legislature, appoint, upon nomination of
9 the president, such deans and other members of the academic,
10 administrative, and teaching staffs as shall be required and fix their
11 compensation and terms of employment;
- 12 i. Consistent with the provisions of its budget, this act and any
13 and all controlling collective bargaining agreements, have the
14 power, upon nomination or recommendation of the president, to
15 appoint, remove, promote and transfer all other officers, agents, or
16 employees which may be required to carry out the provisions of this
17 act and prescribe qualifications for those positions, and assign
18 requisite duties and determine and fix respective compensation for
19 those positions in accordance with duly adopted salary program
20 parameters;
- 21 j. Grant diplomas, certificates or degrees;
- 22 k. Enter into contracts and agreements with the State or any of
23 its political subdivisions or with the United States, or with any
24 public body, department or other agency of the State or the United
25 States, including any public institution of higher education in the
26 State or their subsidiaries or affiliates, or with any individual, firm
27 or corporation which are deemed necessary or advisable by the
28 board for carrying out the provisions of this act. A contract or
29 agreement pursuant to this subsection may require a municipality to
30 undertake obligations and duties to be performed subsequent to the
31 expiration of the term of office of the elected governing body of
32 such municipality which initially entered into or approved said
33 contract or agreement, and the obligations and duties so incurred by
34 such municipality shall be binding and of full force and effect,
35 notwithstanding that the term of office of the elected governing
36 body of such municipality which initially entered into or approved
37 said contract or agreement, shall have expired;
- 38 l. Exercise the right of eminent domain, pursuant to the
39 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
40 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 41 m. Adopt, after consultation with the president and faculty,
42 bylaws and make and promulgate such rules, regulations, and
43 orders, not inconsistent with the provisions of this act as are
44 necessary and proper for the administration and operation of the
45 university and the carrying out of its purposes;
- 46 n. Establish fees for room and board sufficient for the
47 operation, maintenance, and rental of student housing and food
48 services facilities;

- 1 o. Fix and determine tuition rates and other fees to be paid by
2 students;
- 3 p. Accept from any government or governmental department,
4 agency or other public or private body or from any other source
5 grants or contributions of money or property which the board may
6 use for or in aid of any of its purposes;
- 7 q. Acquire, by gift, purchase, condemnation or otherwise, own,
8 lease, dispose of, use and operate property, whether real, personal
9 or mixed, or any interest therein, which is necessary or desirable for
10 university purposes;
- 11 r. Employ architects to plan buildings; secure bids for the
12 construction of buildings and for the equipment thereof; make
13 contracts for the construction of buildings and for equipment; and
14 supervise the construction of buildings;
- 15 s. Manage and maintain, and provide for the payment of all
16 charges on and expenses in respect of, all properties utilized by the
17 university;
- 18 t. Borrow money and to secure the same by a mortgage on its
19 property or any part thereof, and to enter into any credit agreement
20 for the needs of the university, as deemed requisite by the board, in
21 such amounts and for such time and upon such terms as may be
22 determined by the board, provided that no such borrowing shall be
23 deemed or construed to create or constitute a debt, liability, or a
24 loan or pledge of the credit or be payable out of property or funds,
25 other than moneys appropriated for that purpose, of the State;
- 26 u. Authorize any other new program, educational department or
27 school **【consistent with the programmatic mission of the institution**
28 **or approved by the Secretary of Higher Education】**;
- 29 v. Adopt standing operating rules and procedures for the
30 purchase of all equipment, materials, supplies and services;
31 however, no contract on behalf of the university shall be entered
32 into for the purchase of services, materials, equipment and supplies,
33 for the performance of any work, or for the hiring of equipment or
34 vehicles, where the sum to be expended exceeds \$33,000 or the
35 amount determined by the Governor as provided herein, unless the
36 university shall first publicly advertise for bids and shall award the
37 contract to that responsible bidder whose bid, conforming to the
38 invitation for bids, will be most advantageous to the university,
39 price and other factors considered. Such advertising shall not be
40 required in those exceptions created by the board of trustees of the
41 university, which shall be in substance those exceptions contained
42 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) and section
43 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying of any
44 product or the rendering of any service by a public utility subject to
45 the jurisdiction of the Board of Public Utilities of this State and
46 tariffs and schedules of the charges made, charged, or exacted by
47 the public utility for any such products to be supplied or services to
48 be rendered are filed with the said board.
- 49 Commencing July 1, 2017 and every two years thereafter, the

1 Governor, in consultation with the Department of the Treasury,
2 shall adjust the threshold amount set forth in this paragraph in direct
3 proportion to the rise or fall of the consumer price index for all
4 urban consumers in the New York City and the Philadelphia areas
5 as reported by the United States Department of Labor. The
6 Governor shall notify the university of the adjustment. The
7 adjustment shall become effective on July 1 of the year in which it
8 is reported.

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

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

26 Investment in **【not-for-profit】 nonprofit** corporations or for-
27 profit corporations organized and operated pursuant to the
28 provisions of subsection x. of this section may utilize income
29 realized from the sale or licensing of intellectual property as well as
30 the reinvestment of earnings on intellectual property. Investment in
31 **【not-for-profit】 nonprofit** corporations may also utilize income
32 from overhead grant fund recovery as permitted by federal law as
33 well as other university funds except those specified in paragraph 5
34 of subsection x. of this section;

35 x. (1) Participate as the general partner or as a limited partner,
36 either directly or through a subsidiary corporation created by the
37 university, in limited partnerships, general partnerships, or joint
38 ventures to support ²**【any purpose related to the university】 such**
39 **purposes**² including, but not limited to, those engaged in the
40 development, manufacture, or marketing of products, technology,
41 scientific information or services and create or form for-profit or
42 **【not-for-profit】 nonprofit** corporations to engage in such activities;
43 provided that ²;

44 (a)² any such participation shall be consistent with the mission
45 of the university ²**【and】** ;

46 (b)² the board shall have determined that such participation is
47 prudent ²; and

48 (c) unit work performed by employees of the university

1 represented by one of the existing executive branch Statewide
2 collective negotiations units is not transferred to the subsidiary
3 corporation, limited partnership, general partnership, or joint venture
4 created pursuant to this subsection or to persons employed by such
5 subsidiary corporation, limited partnership, general partnership, or
6 joint venture²;

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】 nonprofit** corporations, shall be
10 articulated in the minutes of the board of trustees meeting in which
11 the action was 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 shall not be
20 utilized by the for-profit or **【not-for-profit】 nonprofit** corporations
21 organized and operated pursuant to this subsection in the
22 development, manufacture, or marketing of products, technology or
23 scientific information;

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

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

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

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

47 (10) This subsection shall apply if a joint venture, subsidiary
48 corporation, partnership, or other jural entity entered into or owned

1 wholly or in part by the university, is expressly formed, created, or
2 owned by the university pursuant to the authority set forth in this
3 subsection. Further, this subsection shall in no way be construed to
4 prohibit or limit the university from separately pursuing any other
5 activities permitted by the authority granted under this act, or
6 separately utilizing any other powers expressly authorized by this
7 act for any activity consistent with the university's institutional
8 mission, including to participate as the general partner or as a
9 limited partner, either directly or through a subsidiary corporation
10 created by the university, in limited partnerships, general
11 partnerships, or joint ventures, otherwise than pursuant to this
12 subsection;

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

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

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

35 (2) Moneys in the fund known as the Self-Insurance Trust Fund
36 administered by the State Treasurer shall continue to be available to
37 the university solely to indemnify and defend claims against the
38 university and its employees, officers and servants but only to the
39 extent that the university has elected on behalf of itself and its
40 employees to obtain representation from the Attorney General
41 pursuant to subsection h. of section 6 of P.L.1994, c.48
42 (C.18A:3B-6) and such entity or individuals would have been
43 entitled to defense and indemnification pursuant to the "New Jersey
44 Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State
45 employee but for the provision of subsection z. of this section. Any
46 expenditure of such funds shall be made only in accordance with
47 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et
48 seq., including but not limited to the provisions of chapters 10, 10A

1 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall
 2 be construed to authorize the use of the Self-Insurance Trust Fund
 3 to indemnify or insure in any way, directly or indirectly the
 4 activities of any joint venture, partnership or corporation entered
 5 into or created by the university pursuant to subsection x. of this
 6 section;

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

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

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

16 dd. Establish a procedure for the confidential, anonymous
 17 submission of employee concerns regarding alleged wrongdoing at
 18 the university; ¹and¹

19 ee. Merge or consolidate, including through ¹or with¹ subsidiary
 20 corporations created by the university, with one or more other
 21 nonprofit corporations formed and operated primarily for
 22 educational purposes and exempt under paragraph (3) of subsection
 23 (c) of section 501 of the federal Internal Revenue Code of 1986 ¹[.]
 24 (¹26 U.S.C. s.501(c)(3)¹)¹, as the board of trustees may determine,
 25 but consistent with the public purposes of the corporation, and shall
 26 assume any vested rights, grants, charter rights, privileges,
 27 exemptions, immunities, powers, prerogatives, franchises or
 28 advantages, debts, or liabilities of the nonprofit corporation ¹[; and

29 ff. Have final authority to determine controversies and disputes
 30 concerning tenure and personnel matters of employees not classified
 31 under Title 11A of the New Jersey Statutes. Any matter arising
 32 under this subsection may be assigned to an administrative law
 33 judge, an independent hearing officer or a subcommittee of the
 34 board of trustees for hearing and initial decision by the board,
 35 except for tenure hearings pursuant to N.J.S.18A:6-18. Any
 36 hearings conducted pursuant to this subsection shall conform to the
 37 requirements of the "Administrative Procedure Act," P.L.1968,
 38 c.410 (C.52:14B-1 et seq.). The final administrative decision of the
 39 board of trustees is appealable to the Superior Court, Appellate
 40 Division].

41 A merger or consolidation with a subsidiary corporation created
 42 by the university pursuant to this subsection ²occurring after the
 43 effective date of P.L. , c. (C.) (pending before the Legislature as
 44 this bill)² shall not require approval of the Office of the Attorney
 45 General¹.

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

47
 48 17. Section 11 of P.L.2017, c.178 (C.18A:64N-11) is amended
 49 to read as follows:

1 11. a. The university is authorized to be a participating
2 contracting unit in a cooperative pricing system ¹or a joint
3 purchasing agreement¹ established ¹by any municipal, county, or
4 State public agency, instrumentality of the State, public institution
5 of higher education in the State, or any subsidiary or affiliate of a
6 public institution of higher education in the State, or any federal
7 supply schedule]¹ pursuant to the laws of this State.

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

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

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

20
21 18. Section 16 of P.L.2017, c.178 (C.18A:64N-16) is amended to
22 read as follows:

23 16. No trustee or officer of the university shall be personally
24 liable for any debt, obligation, or other liability of the university or
25 incurred by or on behalf of the university or any constituent unit,
26 subsidiary, or affiliate thereof.

27 (cf: P.L.2017, c.178, s.16)

28
29 19. Section 21 of P.L.2017, c.178 (C.18A:64N-21) is amended
30 to read as follows:

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

33 a. All appropriations, grants, debt service, research funds, and
34 other monies available to Montclair State University prior to the
35 effective date of **[this act]** P.L.2017, c.178 (C.18A:64N-1 et seq.)
36 and to become available shall be transferred to the university by the
37 Director of the Division of Budget and Accounting in the
38 Department of the Treasury and shall be available for the objects
39 and purposes for which appropriated, subject to any terms,
40 restrictions, limitations or other requirements imposed by the State
41 budget;

42 b. All other grants, gifts, other moneys and property available
43 to Montclair State University prior to the effective date of **[this act]**
44 P.L.2017, c.178 (C.18A:64N-1 et seq.) and to become available to
45 or for Montclair State University shall be transferred to the
46 university and shall be available for the objects and purposes of the
47 university, subject to any terms, restrictions, limitations or other
48 requirements imposed by State and federal law or otherwise;

1 c. All employees of Montclair State University prior to ¹and
2 following¹ the effective date of **【this act】** P.L.2017, c.178
3 (C.18A:64N-1 et seq.) shall become employees of the university.
4 Nothing in this act shall be construed so as to deprive any person of
5 any right of tenure or under any retirement system or to any
6 pension, disability, social security or similar benefit, to which the
7 person is entitled by law or contractually. All persons employed at
8 Montclair State University shall continue to be represented by the
9 majority representative that represented them on ²and after² the
10 effective date of **【this act, shall continue to be represented by the**
11 **executive branch Statewide collective negotiations units they were**
12 **in on the effective date of this act】** P.L.2017, c.178 (C.18A:64N-1
13 et seq.) ¹, shall continue to be represented by the executive branch
14 Statewide collective negotiations units they were in on ²and after²
15 the effective date of P.L.2017, c.178 (C.18A:64N-1 et seq.)¹, and
16 shall continue to be covered by the collective negotiations
17 agreements that were in effect on ²and after² the effective date of
18 **【this act】** P.L.2017, c.178 (C.18A:64N-1 et seq.) ¹**【until such time**
19 **as a successor agreement is established】**¹. **【Pursuant to section 12**
20 **of P.L.1986, c.42 (C.18A:64-21.1), the Governor】** ¹**【Montclair**
21 **State University】** Pursuant to section 12 of P.L.1986, c.42
22 (C.18A:64-21.1), the Governor¹ shall **【continue to】** ¹continue to¹
23 function as the public employer under the "New Jersey Employer-
24 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), for
25 persons employed at Montclair State University. **【The executive**
26 **branch Statewide collective negotiations units referenced in this**
27 **section are the units specified in subsection b. of section 1 of**
28 **P.L.2005, c.142 (C.34:13A-5.10).】** ¹For the purposes of this
29 section, "executive branch Statewide collective negotiations units"
30 mean the units specified in subsection b. of section 1 of P.L.2005,
31 c.142 (C.34:13A-5.10).¹ The employees of Montclair State
32 University employed on the effective date of **【this act】** P.L.2017,
33 c.178 (C.18A:64N-1 et seq.) shall not be considered new employees
34 for any purpose and shall retain any accrued seniority, rank, and
35 tenure, which shall be applied when determining eligibility for all
36 benefits, including all paid leave time, longevity increases,
37 promotions and health benefits. Nothing in **【this act】** P.L.2017,
38 c.178 (C.18A:64N-1 et seq.) shall be construed to deprive any
39 person employed at Montclair State University of any tenure rights
40 or to in any manner affect the tenure, rank, or academic track of any
41 employees holding a faculty position. Such tenure, rank and
42 academic track shall continue to be through Montclair State
43 University and shall be held or granted pursuant to the authority of
44 the board of trustees of Montclair State University for all current
45 and future employees employed at Montclair State University.
46 Nothing in **【this act】** P.L.2017, c.178 (C.18A:64N-1 et seq.) shall
47 be construed to deprive any officers or employees employed at

1 Montclair State University of their rights, privileges, obligations or
2 status under any pension, retirement, health benefits system, civil
3 service law or any other law of this State;

4 d. All files, papers, records, equipment and other personal
5 property of Montclair State University shall be transferred to the
6 university; **[and]**

7 e. All orders, rules or regulations theretofore made or
8 promulgated by Montclair State University shall continue in full
9 force and effect as the orders, rules and regulations of the university
10 until amended or repealed by the university; **and**

11 f. Any person who becomes an employee of Montclair State
12 University or a subsidiary corporation of the university other than a
13 subsidiary corporation expressly formed pursuant to subsection
14 '**[ee.] x.**' of section 9 of P.L.2017, c.178 (C.18A:64N-9) through a
15 merger or consolidation with another entity, shall be deemed a
16 public employee and shall, as applicable, become a member of the
17 '**[university's]** Statewide' collective negotiations unit which
18 encompasses the employee's position and shall be represented by
19 the majority representatives of that unit.

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

21
22 20. Section 24 of P.L.2017, c.178 (C.18A:64N-24) is amended to
23 read as follows:

24 24. a. The general powers of supervision and control of the
25 Secretary of Higher Education at the request of the Governor over
26 Montclair State University include the power to visit the university
27 to examine into its manner of conducting its affairs and to enforce
28 an observance of **[its laws and regulations and]** the laws of the
29 State.

30 b. Notwithstanding any other provision of law to the contrary,
31 Montclair State University, through its board of trustees, shall have
32 the care, custody, control, and title of such property '**[as the State**
33 now has or shall hereafter acquire at the university] acquired
34 through a merger or consolidation occurring on or after the effective
35 date of P.L. , c. (C.) (pending before the Legislature as this
36 bill), including through or with a subsidiary corporation created by
37 the university, with one or more other nonprofit corporations
38 formed and operated primarily for educational purposes and exempt
39 under paragraph (3) of subsection (c) of section 501 of the Internal
40 Revenue Code **[.]** (26 U.S.C. s.501(c)(3))¹, subject to the visitorial
41 powers of the Secretary of Higher Education at the request of the
42 Governor. ¹Any transfer of property owned by the New Jersey
43 Educational Facilities Authority to the university shall be in
44 accordance with subsection (g) of N.J.S.18A:72A-5.¹

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

46
47 21. This act shall take effect immediately.