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C.18A:64O-34
to 18A:64O-43
§26
Approp.
§27
Repealer

P.L. 2025, CHAPTER 218, *approved January 12, 2026*
Senate, No. 4881 (*Fourth Reprint*)

1 **AN ACT** concerning the merger of New Jersey City University and
2 Kean University, amending and repealing various parts of the
3 statutory law, ²**[and]**² supplementing P.L.2021, c.282
4 (C.18A:64O-1 et al.) ², and making an appropriation².
5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8
9 1. (New section) Sections 1 through ¹**[11]** 10¹ of
10 P.L. , c. (C.) (pending before the Legislature as this bill)
11 shall be known and may be cited as the “Kean University – New
12 Jersey City University Merger Act.”
13
14 2. (New section) The Legislature finds and declares that:
15 a. Kean University is a public urban research university, accredited
16 by the Middle States Commission on Higher Education, with
17 campuses at three locations in New Jersey, including a main campus in
18 Union, a virtual campus through Kean Online, and the only public
19 American university campus in China at Wenzhou-Kean University,
20 and operating under the authority granted pursuant to the “Kean
21 University Act,” P.L.2021, c.282 (18A:64O-1 et al).
22 b. Building on a distinguished 170-year history, Kean University
23 serves as the State’s leading public urban research institution of higher
24 education. In February 2025, Kean University officially earned an R2
25 research university designation under the Carnegie Classification of
26 Institutions of Higher Education, recognizing the university's high
27 level of research and doctoral activity. The university’s six colleges
28 serve 14,000 undergraduate and graduate students in over 50
29 bachelor’s degree programs, more than 70 programs of graduate study,
30 including seven doctoral programs, and 23 online programs at its New
31 Jersey-based campuses.

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 SHI committee amendments adopted November 17, 2025
²Senate SBA committee amendments adopted December 8, 2025.
³Senate floor amendments adopted December 18, 2025.
⁴Assembly floor amendments adopted December 22, 2025.

1 c. In 2025, Kean University is comprised of the College of Business
2 and Public Management; the College of Education; the College of
3 Health Professions and Human Services; the College of Liberal Arts;
4 the Michael Graves College, which includes the Robert Busch School
5 of Design and the School of Public Architecture; the Dorothy and
6 George Hennings College of Science, Mathematics and Technology,
7 which includes the School of Integrative Science and Technology; and
8 Kean Online.

9 d. Kean University's mission is to create a world-class, innovative,
10 and inclusive society through equity and excellence in teaching,
11 learning, global research, and impactful public engagement. Since its
12 inception, Kean University has focused on ensuring that students of all
13 economic and social backgrounds gain access to excellence in higher
14 education by eliminating roadblocks to their advancement.

15 e. New Jersey City University is a 100-year old State college
16 located in Jersey City, New Jersey.

17 f. In 2022, New Jersey City University reported a structural deficit
18 of \$22 million, prompting New Jersey City University's leaders to
19 declare a fiscal emergency, which required the State to appropriate
20 tens of millions of dollars of State aid to help New Jersey City
21 University stabilize its finances and continue serving students.
22 Additionally, the Office of the Secretary of Higher Education
23 appointed a fiscal monitor ("State Monitor") based upon a finding of
24 instability in the financial condition of New Jersey City University.

25 g. In December 2024, in response to a recommendation from the
26 State Monitor, New Jersey City University sought proposals from
27 four-year public universities accredited by the Middle States
28 Commission on Higher Education for a potential strategic partnership
29 or merger that would sustain access to higher education for the
30 students and communities that New Jersey City University serves.
31 Kean University, recognizing its ability to not only address the current
32 needs of New Jersey City University students, but also its potential to
33 enhance opportunities for future students, submitted a proposal to
34 become the strategic merger partner of New Jersey City University.

35 h. In March 2025, New Jersey City University's Board of Trustees
36 selected Kean University's proposal, and Kean University and New
37 Jersey City University exercised a letter of intent on May 15, 2025.

38 i. Kean University has been granted broad powers as a public urban
39 research university to undertake activities that are necessary or
40 desirable for higher education purposes, including the ability to
41 acquire property, enter into contracts, and make decisions regarding its
42 future development.

43 j. Recognizing the public importance of providing higher education
44 to residents in New Jersey's second most populous city, and
45 determining that it is both necessary and desirable for university
46 purposes, on October 1, 2025, Kean University and New Jersey City
47 University entered into a merger agreement whereby Kean University
48 will acquire New Jersey City University. The agreement stipulates

1 that, after the closing of the merger, receiving approvals from the
2 United States Department of Education and other regulators, and upon
3 notification by the President of Kean University to the Secretary of
4 Higher Education of New Jersey, New Jersey City University is to
5 cease to exist as a separate entity and shall become an additional
6 location of Kean University.

7 k. The preservation of New Jersey City University's mission
8 through a merger with Kean University is within the public interest
9 and has an important public purpose, as it will preserve and advance
10 the missions of both institutions to uplift the communities they serve
11 through teaching and research by dedicated and supportive faculty,
12 staff, and partnerships that create opportunity and will provide
13 enhanced educational opportunities to the students of New Jersey City
14 University, Hudson County, and the surrounding region.

15 l. It is in the overwhelming public interest of the State to assist
16 Kean University in its merger with New Jersey City University. As
17 such, it is the intent and purpose of the "Kean University – New Jersey
18 City University Merger Act," P.L. , c. (C.) (pending before
19 the Legislature as this bill) to effectuate the provisions of the October
20 1, 2025 agreement between Kean University and New Jersey City
21 University in the most expeditious manner possible.

22 m. As of June 30, 2024, New Jersey City University's audited
23 financial statements show long-term debt obligations exceeding
24 \$150,000,000 that is required to be assumed by Kean University upon
25 '[completion of the merger] the closing of the acquisition'¹. In
26 addition, New Jersey City University previously purchased various
27 parcels of real property that were never developed as intended, and has
28 approximately \$43,000,000 in affiliated debt outstanding with respect
29 to a residence hall on the campus. Despite attempts by New Jersey
30 City University to sell portions of this real estate, sufficient assets do
31 not exist to satisfy the outstanding debt obligations. Given the ongoing
32 difficult financial circumstances at New Jersey City University and the
33 proposed assumption by Kean University of these financial burdens, it
34 is the purpose of the "Kean University – New Jersey City University
35 Merger Act," P.L. , c. (C.) (pending before the Legislature as
36 this bill) to ease administrative and regulatory burdens associated with
37 this transaction to the extent reasonably possible, to allow the merger
38 of New Jersey City University with Kean University as expeditiously
39 as possible, to promote economy and efficiency in this transaction, and
40 to ensure the ongoing financial stability of Kean University upon its
41 merger with New Jersey City University.

42
43 3. (New section) In order to carry out the purposes of the "Kean
44 University – New Jersey City University Merger Act,"
45 P.L. , c. (C.) (pending before the Legislature as this bill) and
46 ensure that the students of New Jersey City University and the people
47 of Hudson County can continue to benefit from a public university
48 located in Jersey City, Kean University shall be authorized to merge

1 with New Jersey City University subject to the completion of the
2 requirements contained in the October 1, 2025 agreement executed
3 between the parties and upon notification by the President of Kean
4 University to the Secretary of Higher Education of satisfaction of the
5 conditions set forth in the agreement.

6
7 4. (New section) a. Upon the merger of New Jersey City
8 University and Kean University, and the receipt of any required
9 notifications and prior approvals from the State or federal
10 authorities and any applicable accrediting bodies, all of the
11 functions, powers, duties, and rights of New Jersey City University
12 shall be transferred and assigned to Kean University. All of New
13 Jersey City University's rights, title, and interest in its colleges,
14 schools, institutes, and centers, its auxiliary and supporting
15 institutions and the campuses located in Jersey City, New Jersey,
16 including, but not limited to, all associated fixed tangible assets,
17 real property, building and all furniture, fixtures, equipment, and
18 personal property contained therein, shall be transferred to Kean
19 University and shall be devoted to the purposes of public higher
20 education in the State in accordance with the terms of any gift,
21 grant, trust, contract, or other agreement with the State or any of its
22 political subdivisions or with the United States or with any public
23 body, department, or any agency of the State or the United States or
24 with any individual, firm, or corporation. ¹Any transfer of property
25 owned by the New Jersey Educational Facilities Authority to Kean
26 University shall be in accordance with subsection (g) of
27 N.J.S.18A:72A-5.¹

28 b. Upon the merger of New Jersey City University and Kean
29 University, and the receipt of any required notifications and prior
30 approvals from the State or federal authorities and any applicable
31 accrediting bodies, thereafter, if in any law, rule, regulation, order,
32 contract, document, judicial or administrative proceeding or
33 otherwise, reference is made to New Jersey City University, the
34 same shall mean and refer to Kean University to the extent
35 permitted by applicable law.

36 ¹c. ²[(1)]² ³Any restrictions contained in any deed on any
37 unimproved real property acquired by Kean University from New
38 Jersey City University pursuant to this merger shall be null and void
39 and of no force and effect.]³

40 ²[(2) Notwithstanding any other provision of law to the contrary,
41 any sale by Kean University of any such unimproved real property
42 shall be excluded from any otherwise required approvals by the
43 State House Commission pursuant to section 4 of P.L.1997, c.135
44 (C.52:31-1.3a) and the requirements of subsection b. of section 1 of
45 P.L.2017, c.30 (C.18A:3B-6.2).]²

46 ³[d.]³ The provisions of this section shall be effectuated
47 immediately upon the closing of the acquisition of New Jersey City

1 University by Kean University and shall require no additional
2 action on the part of Kean University.¹

3
4 5. (New section) Nothing in the “Kean University – New Jersey
5 City University Merger Act,” P.L. , c. (C.) (pending before
6 the Legislature as this bill) shall be construed to affect the status of the
7 non-profit corporation known as the New Jersey City University
8 Foundation, which shall continue to operate upon the merger of New
9 Jersey City University with Kean University for the benefit of Hudson
10 County residents who will be attending Kean University on the Jersey
11 City campus.

12 6. (New section) Upon the merger of New Jersey City University
13 and Kean University, and the receipt of any required notifications and
14 prior approvals from State or federal authorities and any applicable
15 accrediting bodies:

16 a. All appropriations, grants, research funds, and other moneys
17 available and to become available to New Jersey City University are
18 hereby transferred to Kean University, and shall be available for the
19 objects and purposes for which appropriated subject to any terms,
20 restrictions, limitations, or other requirements imposed by the State
21 budget and appropriations act or by State and federal law.

22 b. All employees of New Jersey City University shall be considered
23 new employees of Kean University ¹【as seniority, tenure, and
24 academic rank are not transferable】¹. Nothing in the “Kean University
25 – New Jersey City University Merger Act,” P.L. , c. (C.)
26 (pending before the Legislature as this bill) shall be considered to
27 deprive any person of ¹any tenure rights or academic rank acquired at
28 New Jersey City University or¹ any right or protection provided under
29 any pension law or retirement system ¹or any other law¹ of this State.

30 c. All files, books, papers, records, equipment, and other property
31 of New Jersey City University are hereby transferred to Kean
32 University.

33 d. All orders, rules, or regulations heretofore made or promulgated
34 by New Jersey City University shall be deemed null and void, unless
35 Kean University, in its sole discretion, determines that such orders,
36 rules, or regulations shall be continued. Such orders, rules, and
37 regulations, if continued, may be the subject of any additions,
38 deletions, revisions, or modifications issued by Kean University in
39 accordance with its procedures for doing so.

40 e. ²【(1) Kean University shall be allocated the appropriations
41 previously provided and received for institutional support, centralized
42 services, State-funded personnel and budgeted positions, and grants-
43 in-aid made available by the State to New Jersey City University. This
44 shall include, but is not limited to, the base appropriation and
45 outcomes-based allocation, in such amounts at least equal to the
46 amounts provided for New Jersey City University in P.L.2025, c.74,
47 the annual appropriations act for the State fiscal year 2026. For the

1 first three fiscal years following the merger of Kean University and
2 New Jersey City University, Kean University shall receive institutional
3 stabilization aid in an amount at least equal to the amount of
4 institutional stabilization aid provided to New Jersey City University
5 in P.L.2025, c.74, the annual appropriations act for the State fiscal year
6 2026.

7 (2)² The full number of State-funded positions allocated to New
8 Jersey City University in P.L.2025, c.74, the annual appropriations act
9 for the State fiscal year 2026, shall be transferred to Kean University.

10 f. ¹[(1) Kean University shall be classified as a public research
11 university for purposes of Tuition Aid Grants provided by the Higher
12 Education Student Assistance Authority.

13 (2) Beginning with the 2026-2027 academic year, all students
14 attending Kean University who are eligible for a Tuition Aid Grant
15 pursuant to N.J.S.18A:71B-20 shall receive Tuition Aid Grants from
16 the Higher Education Student Assistance Authority in amounts that are
17 identical to award amounts for students attending the other public
18 research universities in the State.】 Kean University shall be classified
19 as a public research university for purposes of determining Tuition Aid
20 Grant amounts provided by the Higher Education Student Assistance
21 Authority. All students enrolled at Kean University who are eligible
22 for Tuition Aid Grants pursuant to N.J.S.18A:71B-20 shall receive
23 awards at the level established by the authority for public research
24 universities.¹

25 g. All grants, appropriations, budgeted amounts, gifts, bequests,
26 tuition, endowments, and any other funding of any type whatsoever
27 from any source whatsoever which has been designated for use, or is
28 used by New Jersey City University, shall be allocated to Kean
29 University.

30 h. The State shall assist Kean University in its efforts to reduce,
31 through defeasance or other financial means, the debt of New Jersey
32 City University at the time of the merger ¹【held】 issued¹ by the New
33 Jersey Educational Facilities Authority and the New Jersey Economic
34 Development Authority.

35
36 7. (New section) The “Kean University – New Jersey City
37 University Merger Act,” P.L. , c. (C.) (pending before the
38 Legislature as this bill) shall not affect any actions or proceedings,
39 civil or criminal, brought by or against New Jersey City University,
40 but such actions or proceedings may be prosecuted or defended in the
41 same manner and to the same effect by Kean University, as if the
42 foregoing provisions had not taken effect; nor shall any of the
43 foregoing provisions affect any order or regulation made by, or other
44 matters or proceedings before, New Jersey City University, and all
45 such matters or proceedings pending before New Jersey City
46 University, upon the merger of New Jersey City University and Kean

1 University, shall be continued by Kean University, as if the foregoing
2 provisions had not taken effect.

3
4 8. (New section) ¹a.¹ Upon the merger of New Jersey City
5 University and Kean University, and the receipt of any required
6 notifications and prior approvals from State or federal authorities and
7 any applicable accrediting bodies, all debts of New Jersey City
8 University shall be transferred to Kean University, and all creditors of
9 New Jersey City University may enforce those debts against Kean
10 University in the same manner as they might have had against New
11 Jersey City University, and the rights and remedies of those creditors
12 shall not be limited or restricted in any manner by the “Kean
13 University – New Jersey City University Merger Act,”
14 P.L. , c. (C.) (pending before the Legislature as this bill).

15 ¹b. Nothing in this section shall be construed to limit the ability of
16 Kean University to refinance, re-amortize, restructure, or otherwise
17 amend the existing debt obligations of New Jersey City University
18 upon or following the merger.¹

19
20 9. (New section) a. Nothing in the “Kean University – New Jersey
21 City University Merger Act,” P.L. , c. (C.) (pending before
22 the Legislature as this bill) shall be construed to deprive any
23 employees of New Jersey City University, upon employment with
24 Kean University, of their rights, privileges, obligations, or status with
25 respect to any State pension, retirement, or health benefits.

26 b. Upon the merger of New Jersey City University and Kean
27 University, and the receipt of any required notifications and prior
28 approvals from State or federal authorities and any applicable
29 accrediting bodies, employees of New Jersey City University shall be
30 considered as new employees of Kean University and subject to the
31 employment policies, procedures, rules, and regulations established by
32 Kean University for its existing employees. Any collective
33 negotiations agreement or individual employment contract agreement
34 between New Jersey City University and any of its majority
35 representatives or individual employees in effect on the date of the
36 merger shall be deemed expired and null and void.

37 c. Employees of New Jersey City University who are represented
38 for purposes of collective negotiations shall, upon transfer of
39 employment to Kean University, be included within the collective
40 negotiations unit at Kean University in which the employee’s title has
41 been recognized for purposes of collective negotiations at Kean
42 University. Thereafter, such employees shall be entitled to the terms
43 and conditions of employment included in the applicable collective
44 negotiations agreement between Kean University and the employee’s
45 majority representative. If an employee’s title is not recognized by
46 any collective negotiations unit at Kean University, then Kean
47 University or any majority representative may utilize the procedures
48 for unit clarification established in the regulations of the Public

1 Employment Relations Commission to determine whether the
2 employee shall continue to be represented by an existing majority
3 representative at Kean University, or ¹【such employees may pursue
4 recognition as a new negotiations unit at Kean University under】
5 included within another Executive Branch bargaining unit as defined
6 by section 1 of P.L.2005, c.142 (C.34:13A-5.10) consistent with¹ the
7 procedures established in the “New Jersey Employer-Employee
8 Relations Act,” P.L.1941, c.100 (C.34:13A-1 et seq.).

9 d. Nothing in the “Kean University – New Jersey City University
10 Merger Act,” P.L. , c. (C.) (pending before the Legislature as
11 this bill) shall be construed to affect the Civil Service classification
12 status, if any, of any former employee of New Jersey City University
13 upon employment with Kean University. All such employees who are
14 employed in a Civil Service title that is subject to a working test period
15 pursuant to N.J.S.11A:4-15 shall be required to undergo a working test
16 period administered by Kean University to determine whether the
17 employee can satisfactorily perform the duties of the title, in
18 accordance with Civil Service Commission regulations. ⁴Kean
19 University shall have the discretion to waive the working test period of
20 new employees who were formerly employed by New Jersey City
21 University. Any collectively negotiated agreement entered into
22 between Kean University and a majority representative of Kean
23 University or New Jersey City University employees regarding the
24 impact of the merger on employment conditions shall be enforceable
25 notwithstanding any provisions of the “Kean University – New Jersey
26 City University Merger Act,” P.L. , c. (C.) (pending before
27 the Legislature as this bill) or any other law to the contrary, in
28 accordance with the terms of the negotiated agreement.⁴

29 e. Nothing in the “Kean University – New Jersey City University
30 Merger Act,” P.L. , c. (C.) (pending before the Legislature as
31 this bill) shall limit Kean University from taking any personnel action
32 that may be required in its discretion, subject to Civil Service
33 requirements ¹and the terms of any applicable collective negotiations
34 agreements¹, if any, including, but not limited to, restructuring,
35 reorganization, privatization of services, and employee layoffs. Kean
36 University shall engage in good faith consultations with affected
37 majority representatives with respect to any restructuring,
38 reorganization, privatization, or employee layoffs it may seek to
39 undertake after assuming responsibility for New Jersey City
40 University’s former employees.

41 f. ¹【 Upon employment with Kean University, former New Jersey
42 City University employees holding a faculty position shall not retain
43 seniority, tenure, or academic rank acquired while employed by New
44 Jersey City University. Such issues shall thereafter be subject to
45 collective negotiations with the appropriate majority representatives at
46 Kean University to the extent such matters are negotiable under law.】
47 Upon employment with Kean University, former New Jersey City

1 University employees holding a faculty position shall not retain
 2 seniority acquired while employed by New Jersey City University.
 3 Notwithstanding this subsection, employees holding a faculty
 4 position who acquired tenure with New Jersey City University
 5 pursuant to section 2 of P.L.2013, c.235(C.18A:60-16) shall be
 6 hired by Kean University with tenure. Former employees of New
 7 Jersey City University holding a faculty position who are hired with
 8 tenure by Kean University pursuant to this subsection shall maintain
 9 their academic rank and shall not be counted toward any limitations
 10 established on the total number of new full-time tenure-track
 11 faculty members hired at the institution.¹

12
 13 ¹【10. (New section) Upon the merger of New Jersey City
 14 University and Kean University, and the receipt of any required
 15 notifications and prior approvals from the State or federal authorities
 16 and any applicable accrediting bodies, and notwithstanding any other
 17 provision of law to the contrary, any prior finding of financial
 18 instability issued by the Secretary of Higher Education with respect to
 19 New Jersey City University shall be deemed null and void, and any
 20 appointment of a State monitor pursuant to section 4 of P.L.2023,
 21 c.115 (C.18A: 3B-53.4) shall be terminated.

22 Nothing in the “Kean University – New Jersey City University
 23 Merger Act,” P.L. , c. (C.) (pending before the Legislature as
 24 this bill) shall be construed to prevent the Secretary of Higher
 25 Education from exercising authority pursuant to P.L.2023, c. 115
 26 (C.18A:3B-53.1 et seq.) with respect to Kean University after the
 27 merger.】¹

28
 29 ¹【11.】 10.¹ (New section) Notwithstanding any other provision
 30 of law to the contrary, the merger of New Jersey City University and
 31 Kean University shall not require any further approval from any
 32 officer, commission, agency, or authority of the State, except as
 33 expressly set forth in the “Kean University – New Jersey City
 34 University Merger Act,” P.L. , c. (C.) (pending before the
 35 Legislature as this bill).

36
 37 ¹【12.】 11.¹ N.J.S.18A:62-1 is amended to read as follows:

38 18A:62-1. The public institutions of higher education are the 【six
 39 state】 five State colleges; the county colleges; the public 【junior
 40 colleges; the New Jersey college of medicine and dentistry; the
 41 college of aeronautical and airspace science established in Atlantic
 42 County pursuant to chapter 285 of the laws of 1964; the industrial
 43 schools; Newark college of engineering; Rutgers, the state university;
 44 and any other public】 research universities【, colleges, county
 45 colleges】 and 【junior colleges】 any other public institution of higher
 46 education now or hereafter established or authorized by law.
 47 (cf: N.J.S.18A:62-1)

1 ¹**【13.】 12.**¹ N.J.S.18A:64-10 is amended to read as follows:

2 18A:64-10. The board of trustees of each state college and Kean
3 University may maintain demonstration schools under regular
4 teachers, in which pupils **【of the state colleges】** shall have the
5 opportunity to observe and practice approved methods of instruction
6 and discipline.

7 (cf: N.J.S.18A:64-10)

8

9 ¹**【14.】 13.**¹ N.J.S.18A:64-11 is amended to read as follows:

10 18A:64-11. The board of trustees of each State college and Kean
11 University is authorized and empowered to conduct summer schools
12 and extension courses through the **【six】** five State colleges and
13 Kean University for the purpose of giving further training to the
14 teachers in the public schools of this State and to charge fees
15 therefor to be collected by the treasurers of the several State
16 colleges and Kean University.

17 (cf: P.L.1994, c.48, s.98)

18

19 ¹**【15.】 14.**¹ Section 1 of P.L.1985, c.161 (C.18A:64-45) is
20 amended to read as follows:

21 1. There is established a body corporate and politic, with
22 corporate succession, to be known as the New Jersey Association of
23 State Colleges and Universities. **【New Jersey City University,】**
24 Kean University, Ramapo College of New Jersey, ¹**【Richard】**¹
25 Stockton ¹**【College of New Jersey】** University¹, Thomas Edison
26 State College, The College of New Jersey and The William
27 Paterson University of New Jersey shall constitute the membership
28 of the association.

29 (cf: P.L.2017, c.178, s.40)

30

31 ¹**【16.】 15.**¹ Section 2 of P.L.1985, c.161 (C.18A:64-46) is
32 amended to read as follows:

33 2. The association shall consist of **【seven】** six voting members
34 to be appointed as follows: one member from each member
35 institution's boards of trustees, appointed by the members thereof.
36 In addition the presidents of the member institutions shall serve as
37 ex officio, nonvoting members.

38 Members shall serve without compensation but shall be entitled
39 to be reimbursed for all reasonable and necessary expenses.

40 (cf: P.L.2017, c.178, s.41)

41

42 ¹**【17.】 16.**¹ Section 7 of P.L.2021, c.282 (C.18A:64O-7) is
43 amended to read as follows:

44 7. a. The composition and size of the board of trustees shall be
45 determined by the board; however, the board shall have not less
46 than seven nor more than 15 members. The members shall be
47 appointed by the Governor with the advice and consent of the

1 Senate. The board of trustees shall recommend potential new
2 members to the Governor. The terms of office of appointed
3 members shall be for six years beginning on July 1 and ending on
4 June 30. Each member shall serve until the member's successor
5 shall have been appointed and qualified and vacancies shall be
6 filled in the same manner as the original appointments for the
7 remainder of the unexpired terms. Any member of the board of
8 trustees may be removed by the Governor for cause upon notice and
9 opportunity to be heard.

10 ²At least one voting member of the board of trustees shall be a
11 resident of Hudson County; except that, if upon the effective date of
12 P.L. , c. (C.) (pending before the Legislature as this bill),
13 no current member of the board of trustees is a resident of Hudson
14 County, then the first vacancy to occur shall be filled with a
15 resident of Hudson County.]²

16 b. Members of the board as of the effective date of this act
17 shall continue in office until the expiration of their respective terms
18 and the qualification in office of their successors.

19 c. All voting members of the board of trustees, before
20 undertaking the duties of their office, shall take and subscribe an
21 oath or affirmation to support the Constitution of the State of New
22 Jersey and of the United States, to bear allegiance to the
23 government of the State, and to perform the duties of their office
24 faithfully, impartially and justly, to the best of their ability.

25 d. Members of the board of trustees shall not receive
26 compensation for their services. Each trustee shall be reimbursed
27 for actual expenses reasonably incurred in the performance of the
28 trustee's duties or in rendering service as a member of or on behalf
29 of the board or any committee of the board.

30 e. The board of trustees shall elect its chairperson from among
31 its voting members annually in **July** September. The board shall
32 select such other officers from among its members as shall be
33 deemed necessary.

34 f. A voting member of the board of trustees shall not be a
35 salaried official of the State of New Jersey, or receive remuneration
36 for services from the university. If any member of the board shall
37 become ineligible by reason of the foregoing, a vacancy in the
38 member's office as trustee shall thereby occur.

39 g. The board of trustees shall have the power to appoint and
40 regulate the duties, functions, powers and procedures of
41 committees, standing or special, from its members and such
42 advisory committees or bodies as it may deem necessary or
43 conducive to the efficient management and operation of the
44 university, consistent with this act and other applicable statutes.
45 (cf: P.L.2021, c.282, s.7)

46
47 ¹**[18.] 17.**¹ Section 8 of P.L.2021, c.282 (C.18A:64O-8) is
48 amended to read as follows:

1 8. The board of trustees of the university shall provide for the
2 election of two student representatives, who shall be full-time,
3 regularly matriculated students in good academic standing, and who
4 shall be 18 years of age or older and citizens of the United States.
5 The student representatives shall be elected by the members of the
6 student **【government association】** body to serve on the board of
7 trustees for terms of two years commencing at the next organization
8 of the board.

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

12 **【Any vacancies which occur shall be filled by the student**
13 **governing body for the unexpired term only.】** In the event that a
14 vacancy occurs in the voting member position, the alternate member
15 shall assume the position of voting member and complete the term
16 of office of the voting member. In the event that a vacancy occurs
17 in the alternate member position, an election shall be held within 60
18 days to fill the alternate member position.

19 b. The standards for eligibility for student representatives on
20 the board of trustees shall be the same as those required for other
21 student government officers.

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

24 (1) any matter involving the employment, appointment,
25 termination of employment, terms and conditions of employment,
26 evaluation of the performance of, promotion or disciplining of any
27 specific prospective officer or employee or current officer or
28 employee employed or appointed by the board, unless all the
29 individual employees or appointees whose rights could be adversely
30 affected request in writing that the matter or matters be discussed at
31 a public meeting;

32 (2) any matter involving the purchase, lease, acquisition or sale
33 of real property with public funds, the setting of banking rates or
34 investment of public funds, where it could adversely affect the
35 public interest if discussion of these matters were disclosed; and

36 (3) any pending or anticipated litigation in which the board is,
37 or may become, a party, where it could adversely affect the public
38 interest if discussion of these matters were disclosed, or any matters
39 falling within the attorney-client privilege, to the extent that
40 confidentiality is required in order for the attorney to exercise the
41 attorney's ethical duties as a lawyer.

42 d. Upon assuming office, the students shall agree to adhere to
43 such standards of responsibility and confidentiality as are
44 established by the board of trustees.

45 (cf: P.L.2021, c.282, s.8)

46
47 ¹**【19.】** 18.¹ Section 9 of P.L.2021, c.282 (C.18A:64O-9) is
48 amended to read as follows:

1 9. The board of trustees of the university shall have the general
2 supervision over and be vested with the conduct of the university.
3 It shall have the power and duty to:

4 a. adopt ~~【and】~~, use , and modify, as it deems appropriate, a
5 corporate seal;

6 b. determine the educational curriculum and program of the
7 university , including approving the establishment of new
8 educational programs, departments, or schools, and the
9 discontinuance of existing educational programs, departments, or
10 schools at the university, provided that the action is consistent with
11 the university's programmatic mission and that the action is
12 reviewed by the New Jersey President's Council pursuant to
13 subsection c. of section 8 of P.L.1994, c.48 (C.18A:3B-8) or
14 approved by the Secretary of Higher Education pursuant to
15 subsection f. of section 14 of P.L.1994, c.48 (C.18A:3B-14), as
16 applicable;

17 c. determine policies for the organization, administration, and
18 development of the university;

19 d. study the educational and financial needs of the university,
20 annually acquaint the Governor and Legislature with the condition
21 of the university, and prepare and submit an annual request for
22 appropriation to the Division of Budget and Accounting in the
23 Department of the Treasury in accordance with law;

24 e. disburse all moneys appropriated to the university by the
25 Legislature and all moneys received from tuition, fees, auxiliary
26 services and other sources;

27 f. direct and control expenditures and transfers of funds
28 appropriated to the university in accordance with the provisions of
29 the State budget and appropriation acts of the Legislature, and, as to
30 funds received from other sources, direct and control expenditures
31 and transfers in accordance with the terms of any applicable trusts,
32 gifts, bequests, or other special provisions, reporting changes and
33 additions thereto and transfers thereof to the Director of the
34 Division of Budget and Accounting in the Department of the
35 Treasury. All accounts of the university shall be subject to audit by
36 the State at any time;

37 g. in accordance with the provisions of the State budget and
38 appropriation acts of the Legislature, appoint and fix the
39 compensation and term of office of a president of the university
40 who shall be the executive officer of the university and an ex officio
41 member of the board of trustees, without vote, and shall serve at the
42 pleasure of the board of trustees;

43 h. in accordance with the provisions of the State budget and
44 appropriation acts of the Legislature, appoint, upon nomination of
45 the president, such deans and other members of the academic,
46 administrative, and teaching staffs as shall be required and fix their
47 compensation and terms of employment;

- 1 i. consistent with the provisions of its budget, this act and any
2 and all controlling collective bargaining agreements, have the
3 power, upon nomination or recommendation of the president, to
4 appoint, remove, promote and transfer all other officers, agents, or
5 employees which may be required to carry out the provisions of this
6 act and prescribe qualifications for those positions, and assign
7 requisite duties and determine and fix respective compensation for
8 those positions in accordance with duly adopted salary program
9 parameters;
- 10 j. grant diplomas, certificates or degrees;
- 11 k. enter into contracts and agreements with the State or any of
12 its political subdivisions or with the United States, or with any
13 public body, department or other agency of the State or the United
14 States , including any public institution of higher education in the
15 State or their subsidiaries or affiliates, or with any individual, firm
16 or corporation which are deemed necessary or advisable by the
17 board for carrying out the provisions of this act. A contract or
18 agreement pursuant to this subsection may require a municipality to
19 undertake obligations and duties to be performed subsequent to the
20 expiration of the term of office of the elected governing body of
21 such municipality which initially entered into or approved said
22 contract or agreement, and the obligations and duties so incurred by
23 such municipality shall be binding and of full force and effect,
24 notwithstanding that the term of office of the elected governing
25 body of such municipality which initially entered into or approved
26 said contract or agreement, shall have expired;
- 27 l. exercise the right of eminent domain, pursuant to the
28 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
29 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 30 m. adopt, after consultation with the president **[and faculty]**
31 'and faculty', bylaws and make and promulgate such rules,
32 regulations, and orders, not inconsistent with the provisions of this
33 act as are necessary and proper for the administration and operation
34 of the university and the carrying out of its purposes;
- 35 n. establish fees for room and board sufficient for the
36 operation, maintenance, and rental of student housing and food
37 services facilities;
- 38 o. fix and determine tuition rates and other fees to be paid by
39 students;
- 40 p. accept from any government or governmental department,
41 agency or other public or private body or from any other source
42 grants or contributions of money or property which the board may
43 use for or in aid of any of its purposes;
- 44 q. acquire, by gift, purchase, condemnation or otherwise, own,
45 lease, dispose of, use and operate property, whether real, personal
46 or mixed, or any interest therein, which is necessary or desirable for
47 university purposes;

- 1 r. employ architects to plan buildings; secure bids for the
2 construction of buildings and for the equipment thereof; make
3 contracts for the construction of buildings and for equipment; and
4 supervise the construction of buildings;
- 5 s. manage and maintain, and provide for the payment of all
6 charges on and expenses in respect of, all properties utilized by the
7 university;
- 8 t. borrow money and to secure the same by a mortgage on its
9 property or any part thereof, and to enter into any credit agreement
10 for the needs of the university, as deemed requisite by the board, in
11 such amounts and for such time and upon such terms as may be
12 determined by the board, provided that no such borrowing shall be
13 deemed or construed to create or constitute a debt, liability, or a
14 loan or pledge of the credit or be payable out of property or funds,
15 other than moneys appropriated for that purpose, of the State;
- 16 u. authorize any new program, educational department or
17 school **【consistent with the programmatic mission of the institution**
18 **or approved by the Secretary of Higher Education】**;
- 19 v. (1) Adopt standing operating rules and procedures for the
20 purchase of all equipment, materials, supplies and services;
21 however, no contract on behalf of the university shall be entered
22 into for the purchase of services, materials, equipment and supplies,
23 for the performance of any work, or for the hiring of equipment or
24 vehicles, through which the workers employed in the performance
25 of the contract are paid in accordance with the "New Jersey
26 Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.),
27 where the sum to be expended exceeds **【\$33,000】** \$42,600 or the
28 amount determined by the Governor as provided herein, unless the
29 university shall first publicly advertise for bids and shall award the
30 contract to that responsible bidder whose bid, conforming to the
31 invitation for bids, will be most advantageous to the university,
32 price and other factors considered. Such advertising shall not be
33 required in those exceptions created by the board of trustees of the
34 university, which shall be in substance those exceptions contained
35 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and C.52:34-10)
36 and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying
37 of any product or the rendering of any service by a public utility
38 subject to the jurisdiction of the Board of Public Utilities of this
39 State and tariffs and schedules of the charges made, charged, or
40 exacted by the public utility for any such products to be supplied or
41 services to be rendered are filed with the said board.
- 42 (2) Adopt standing operating rules and procedures for the
43 purchase of all equipment, materials, supplies, and services;
44 however, no contract on behalf of the university shall be entered
45 into for the purchase of services, materials, equipment, and
46 supplies, for the performance of any work, or for the hiring of
47 equipment or vehicles, through which the workers employed in the
48 performance of the contract are not paid in accordance with the

1 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
2 et seq.), where the sum to be expended exceeds \$100,000 or the
3 amount determined by the Governor as provided in this subsection,
4 unless the university shall first publicly advertise for bids and shall
5 award the contract to that responsible bidder whose bid, conforming
6 to the invitation for bids, will be most advantageous to the
7 university, price and other factors considered. This advertising shall
8 not be required in those exceptions created by the board of trustees
9 of the university, which shall be in substance those exceptions
10 contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and
11 C.52:34-10) and section 5 of P.L.1986, c.43 (C.18A:64-56) or for
12 the supplying of any product or the rendering of any service by a
13 public utility subject to the jurisdiction of the Board of Public
14 Utilities of this State and tariffs and schedules of the charges made,
15 charged, or exacted by the public utility for any products to be
16 supplied or services to be rendered are filed with the board.

17 (3) Commencing on **July 1** next following the effective date of
18 this act **July 1, 2027**, and every two years thereafter, the Governor,
19 in consultation with the Department of the Treasury, shall adjust the
20 threshold amounts set forth in this subsection in direct proportion to
21 the rise or fall of the consumer price index for all urban consumers
22 in the New York City and the Philadelphia areas as reported by the
23 United States Department of Labor. The Governor shall notify the
24 university of the adjustment. The adjustment shall become effective
25 on July 1 of the year in which it is reported.

26 (4) This subsection shall not prevent the university from having
27 any work performed by its own employees, nor shall it apply to
28 repairs, or to the furnishing of materials, supplies or labor, or the
29 hiring of equipment or vehicles, when the safety or protection of its
30 or other public property or the public convenience requires or the
31 exigency of the university's service will not admit of such
32 advertisement. In such case, the university shall, by resolution
33 passed by the affirmative vote of its board of trustees, declare the
34 exigency or emergency to exist, and set forth in the resolution the
35 nature and approximate amount to be expended; shall maintain
36 appropriate records as to the reason for such awards; and shall
37 report regularly to its board of trustees on all such purchases, the
38 amounts and the reasons therefor;

39 w. invest certain moneys in such obligations, securities and
40 other investments as the board shall deem prudent, consistent with
41 the purposes and provisions of this act and in accordance with State
42 and federal law, as follows:

43 (1) investment in not-for-profit corporations or for-profit
44 corporations organized and operated pursuant to the provisions of
45 subsection x. of this section may utilize income realized from the
46 sale or licensing of intellectual property as well as the reinvestment
47 of earnings on intellectual property; and

1 (2) investment in not-for-profit corporations may also utilize
2 income from overhead grant fund recovery as permitted by federal
3 law as well as other university funds except those specified in
4 paragraph (5) of subsection x. of this section;

5 x. (1) participate as the general partner or as a limited partner,
6 either directly or through a subsidiary corporation created by the
7 university, in limited partnerships, general partnerships, or joint
8 ventures to support any purpose related to the university including,
9 but not limited to, those engaged in the development, manufacture,
10 or marketing of products, technology, scientific information or
11 services and create or form for-profit or not-for-profit corporations
12 to engage in such activities; provided that any such participation
13 shall be consistent with the mission of the university and the board
14 shall have determined that such participation is prudent;

15 (2) the decision to participate in any activity described in
16 paragraph (1) of this subsection, including the creation or formation
17 of for-profit or not-for-profit corporations, shall be articulated in the
18 minutes of the board of trustees meeting in which the action was
19 approved;

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

22 (4) nothing herein shall be deemed or construed to create or
23 constitute a debt, liability, or a loan or pledge of the credit or be
24 payable out of property or funds of the State;

25 (5) funds directly appropriated to the university from the State
26 or derived from the university's academic programs shall not be
27 utilized by the for-profit or not-for-profit corporations organized
28 and operated pursuant to this subsection in the development,
29 manufacture, or marketing of products, technology or scientific
30 information;

31 (6) employees of any joint venture, subsidiary corporation,
32 partnership, or other jural entity formed, entered into , or owned
33 wholly or in part by the university shall not be deemed public
34 employees , however, any public employees of the university who
35 may be assigned to support any joint venture, subsidiary
36 corporation, partnership, or other jural entity formed, entered into,
37 or owned wholly or in part by the university shall continue to be
38 deemed public employees;

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

42 (8) income realized by the university **【as a result of**
43 **participation in the development, manufacture, or marketing of**
44 **products, technology, or scientific information】** pursuant to this
45 subsection may be invested **【or】** , reinvested **【pursuant to**
46 **subsection w. of this section, or any other provision】** , or retained
47 by the board in accordance with the provisions of **【this act】**

1 P.L.2021, c.282 (C.18A:64O-1 et al.) or State or federal law **【**, or
2 retained by the board**】** for use in furtherance of any of the purposes
3 of **【this act】** P.L.2021, c.282 (C.18A:64O-1 et al.) or of other
4 applicable statutes;

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

9 (10) this subsection shall apply if a joint venture, subsidiary
10 corporation, partnership, or other jural entity entered into or owned
11 wholly or in part by the university, is expressly formed, created, or
12 owned by the university pursuant to the authority set forth in this
13 subsection. Further, this subsection shall in no way be construed to
14 prohibit or limit the university from separately pursuing any other
15 activities permitted by the authority granted under P.L.2021, c.282
16 (C.18A:64O-1 et al.), or separately utilizing any other powers
17 expressly authorized by P.L.2021, c.282 (C.18A:64O-1 et al.) for
18 any activity consistent with the university's institutional mission,
19 including to participate as the general partner or as a limited
20 partner, either directly or through a subsidiary corporation created
21 by the university, in limited partnerships, general partnerships, or
22 joint ventures, otherwise than pursuant to this subsection;

23 y. sue and be sued in its own name;

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

31 aa. (1) procure and enter into contracts for any type of insurance
32 and indemnify and defend against loss or damage to property from
33 any cause, including loss of use and occupancy, against death or
34 injury of any person, against employees' liability, against any act of
35 any member, officer, employee or servant of the university, whether
36 part-time, full-time, compensated or non-compensated in the
37 performance of the duties of his office or employment or any other
38 insurable risk. In addition, the university **【shall】** may carry its own
39 liability insurance or maintain an actuarially sound program of self-
40 insurance. Any joint venture, subsidiary corporation, or partnership
41 or such other jural entity entered into or owned wholly or in part by
42 the university shall carry insurance or maintain reserves in such
43 amounts as are determined by an actuary to be sufficient to meet its
44 actual or accrued claims;

45 (2) moneys in the fund known as the Self-Insurance Trust Fund
46 administered by the State Treasurer shall continue to be available to
47 the university solely to indemnify and defend claims against the
48 university and its employees, officers and servants but only to the

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

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

19 cc. adopt a code of ethics that complies with the requirements of
20 all statutes applicable to the institution, including, but not limited,
21 to the "Higher Education Restructuring Act of 1994," P.L.1994,
22 c.48 (C.18A:3B-1 et seq.), the "New Jersey Conflicts of Interest
23 Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of the
24 State Ethics Commission, and any applicable executive orders;

25 **[and]**

26 dd. establish a procedure for the confidential, anonymous
27 submission of employee concerns regarding alleged wrongdoing at
28 the university ; and

29 ee. Merge or consolidate, including through or with subsidiary
30 corporations created by the university, with one or more other
31 nonprofit corporations formed and operated primarily for
32 educational purposes and exempt under paragraph (3) of subsection
33 (c) of section 501 of the federal Internal Revenue Code of 1986 (26
34 U.S.C. s.501(c)(3)) or with one or more public institutions of higher
35 education of the State of New Jersey, as the board of trustees may
36 determine, but consistent with the public purposes of the
37 corporation or public institution of higher education, and shall
38 assume any vested rights, grants, charter rights, privileges,
39 exemptions, immunities, powers, prerogatives, franchises or
40 advantages, debts, or liabilities of the nonprofit corporation or
41 public institution of higher education.

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

47 (cf: P.L.2023, c.252, s.3)

1 ¹**【20.】 19.**¹ Section 11 of P.L.2021, c.282 (C.18A:64O-11) is
2 amended to read as follows:

3 11. a. The university is authorized to be a participating
4 contracting unit in a cooperative pricing system or a joint
5 purchasing agreement established pursuant to the laws of this State.

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

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

17 (cf: P.L.2021, c.282, s.11)

18
19 ¹**【21.】 20.**¹ Section 13 of P.L.2021, c.282 (C.18A:64O-13) is
20 amended to read as follows:

21 13. The university shall maintain an Internet website for the
22 board of trustees. The purpose of the website shall be to provide
23 increased public access to board operations and activities. The
24 website shall be updated on a regular basis. The following
25 information shall be posted on the board's website:

26 a. the board's rules, regulations, resolutions, and official policy
27 statements;

28 b. notice, posted at least five business days prior to a meeting
29 of the board **【or any of its committees】**, setting forth the time, date,
30 location, and agenda of the meeting;

31 c. the minutes of each meeting of the board **【and its**
32 **committees】**; and

33 d. information on any contract entered into by the board that
34 was not competitively bid and the statutory authority for the
35 contracting process.

36 (cf: P.L.2021, c.282, s.13)

37
38 ¹**【22.】 21.**¹ Section 16 of P.L.2021, c.282 (C.18A:64O-16) is
39 amended to read as follows:

40 16. No trustee or officer of the university shall be personally
41 liable for any debt, obligation, or other liability of the university or
42 incurred by or on behalf of the university or any constituent unit ,
43 subsidiary, or affiliate thereof.

44 (cf: P.L.2021, c.282, s.16)

45
46 ¹**【23.】 22.**¹ Section 21 of P.L.2021, c.282 (C.18A:64O-21) is
47 amended to read as follows:

1 21. Upon the establishment of the body corporate and politic
2 known as Kean University:

3 a. all appropriations, grants, debt service, research funds, and
4 other monies available to Kean University prior to the effective date
5 of **[this act]** P.L.2021, c.282 (C.18A:64O-1 et al.) and to become
6 available shall be transferred to the university by the Director of the
7 Division of Budget and Accounting in the Department of the
8 Treasury and shall be available for the objects and purposes for
9 which appropriated, subject to any terms, restrictions, limitations or
10 other requirements imposed by the State budget;

11 b. all other grants, gifts, other moneys and property available to
12 Kean University prior to the effective date of **[this act]** P.L.2021,
13 c.282 (C.18A:64O-1 et al.) and to become available to or for Kean
14 University shall be transferred to the university and shall be
15 available for the objects and purposes of the university, subject to
16 any terms, restrictions, limitations or other requirements imposed
17 by State and federal law or otherwise;

18 c. all employees of Kean University prior to the effective date
19 of **[this act]** P.L.2021, c.282 (C.18A:64O-1 et al.) shall become
20 employees of the university. Nothing in **[this act]** P.L.2021, c.282
21 (C.18A:64O-1 et al.) shall be construed so as to deprive any person
22 of any right of tenure or under any retirement system or to any
23 pension, disability, social security or similar benefit, to which the
24 person is entitled by law or contractually. All persons employed at
25 Kean University shall continue to be represented by the majority
26 representative that represented them on the effective date of this act,
27 shall continue to be represented by the executive branch Statewide
28 collective negotiations units they were in on the effective date of
29 **[this act]** P.L.2021, c.282 (C.18A:64O-1 et al.), and shall continue
30 to be covered by the collective negotiations agreements that were in
31 effect on the effective date of this act. Pursuant to section 12 of
32 P.L.1986, c.42 (C.18A:64-21.1), the Governor shall continue to
33 function as the public employer under the "New Jersey Employer-
34 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), for
35 persons employed at Kean University. The executive branch
36 Statewide collective negotiations units referenced in this section are
37 the units specified in subsection b. of section 1 of P.L.2005, c.142
38 (C.34:13A-5.10).

39 The employees of Kean University employed on the effective
40 date of **[this act]** P.L.2021, c.282 (C.18A:64O-1 et al.) shall not be
41 considered new employees for any purpose and shall retain any
42 accrued seniority, rank, and tenure, which shall be applied when
43 determining eligibility for all benefits, including all paid leave time,
44 longevity increases, promotions and health benefits. Nothing in
45 **[this act]** P.L.2021, c.282 (C.18A:64O-1 et al.) shall be construed
46 to deprive any person employed at Kean University of any tenure
47 rights or to in any manner affect the tenure, rank, or academic track

1 of any employees holding a faculty position. Such tenure, rank and
 2 academic track shall continue to be through Kean University and
 3 shall be held or granted pursuant to the authority of the board of
 4 trustees of Kean University for all current and future employees
 5 employed at Kean University. Nothing in **【this act】** P.L.2021,
 6 c.282 (C.18A:64O-1 et al.) shall be construed to deprive any
 7 officers or employees employed at Kean University of their rights,
 8 privileges, obligations or status under any pension, retirement,
 9 health benefits system, civil service law or any other law of this
 10 State;

11 d. all files, papers, records, equipment and other personal
 12 property of Kean University shall be transferred to the university;
 13 **【and】**

14 e. all orders, rules or regulations theretofore made or
 15 promulgated by Kean University shall continue in full force and
 16 effect as the orders, rules and regulations of the university until
 17 amended or repealed by the university ; and

18 f. Any person who becomes an employee of Kean University or
 19 a subsidiary corporation of the university other than a subsidiary
 20 corporation expressly formed pursuant to subsection x. of section 9
 21 of P.L.2021, c.282 (C.18A:64O-9) through a merger or
 22 consolidation with another entity, shall be deemed a public
 23 employee and shall, as applicable, become a member of the
 24 Statewide collective negotiations unit which encompasses the
 25 employee's position and shall be represented by the majority
 26 representatives of that unit.

27 (cf: P.L.2021, c.282, s.21)

28

29 ¹**【24.】** 23.¹ Section 24 of P.L.2021, c.282 (C.18A:64O-24) is
 30 amended to read as follows:

31 24. a. The general powers of supervision and control of the
 32 Secretary of Higher Education at the request of the Governor over
 33 Kean University include the power to visit the university to
 34 examine into its manner of conducting its affairs and to enforce an
 35 observance of **【its laws and regulations and】** the laws of the State.

36 b. Notwithstanding any other provision of law to the contrary,
 37 Kean University, through its board of trustees, shall have the care,
 38 custody, control, and title of such property acquired through a
 39 merger or consolidation occurring on or after the effective date of
 40 P.L. , c. (C.) (pending before the Legislature as this bill),
 41 including through or with a subsidiary corporation created by the
 42 university, with one or more other nonprofit corporations formed
 43 and operated primarily for educational purposes and exempt under
 44 paragraph (3) of subsection (c) of section 501 of the Internal
 45 Revenue Code (26 U.S.C. s.501(c)(3)) or with a public institution of
 46 higher education, subject to the visitorial powers of the Secretary of
 47 Higher Education at the request of the Governor. Any transfer of
 48 property owned by the New Jersey Educational Facilities Authority

1 to the university shall be in accordance with subsection (g) of
2 N.J.S.18A:72A-5.

3 (cf: P.L.2021, c.282, s.24)

4
5 ¹**[25.]** 24.¹ Section 3 of P.L.1969, c.142 (C.18A:71-30) is
6 amended to read as follows:

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

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

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

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

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

17 (e) The term "higher education" shall mean that education
18 which is provided by any or all of the public institutions of higher
19 education as herein defined or any or all equivalent private
20 institutions.

21 (f) The term "public institutions of higher education" shall mean
22 and include Rutgers, The State University, the New Jersey Institute
23 of Technology, Rowan University, Montclair State University,
24 Kean University, the **[six]** five State colleges, the county colleges,
25 and any other public universities, colleges or county colleges now
26 or hereafter established or authorized by law.

27 (cf: P.L.2021, c.282, s.57)

28
29 ²25. N.J.S.18A:64-6 is amended to read as follows:

30 18A:64-6. The board of trustees of a State college shall have
31 general supervision over and shall be vested with the conduct of the
32 college. It shall have the power and duty to:

33 a. Adopt and use a corporate seal;

34 b. Determine the educational curriculum and program of the
35 college consistent with the programmatic mission of the institution
36 or approved by the Commission on Higher Education;

37 c. Determine policies for the organization, administration and
38 development of the college;

39 d. Study the educational and financial needs of the college;
40 annually acquaint the Governor and Legislature with the condition
41 of the college; and prepare and present the annual budget to the
42 Governor, the Division of Budget and Accounting in the
43 Department of the Treasury and the Legislature in accordance with
44 law;

45 e. Disburse all moneys appropriated to the college by the
46 Legislature and all moneys received from tuition, fees, auxiliary
47 services and other sources;

1 f. Direct and control expenditures and transfers of funds
2 appropriated to the college and tuition received by the college, in
3 accordance with the provisions of the State budget and
4 appropriation acts of the Legislature, reporting changes and
5 additions thereto and transfers thereof to the Director of the
6 Division of Budget and Accounting in the State Department of the
7 Treasury and as to funds received from other sources, direct and
8 control expenditures and transfers in accordance with the terms of
9 any applicable trusts, gifts, bequests, or other special provisions.
10 All accounts of the college shall be subject to audit by the State at
11 any time;

12 g. In accordance with the provisions of the State budget and
13 appropriation acts of the Legislature, appoint and fix the
14 compensation of a president of the college, who shall be the
15 executive officer of the college and an ex officio member of the
16 board of trustees, without vote, and shall serve at the pleasure of the
17 board of trustees;

18 h. Notwithstanding the provisions of Title 11, Civil Service, of
19 the Revised Statutes, upon nomination by the president appoint a
20 treasurer and such deans and other professional members of the
21 academic, administrative and teaching staffs as defined in section
22 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required and fix
23 their compensation and terms of employment in accordance with
24 salary ranges and policies which shall prescribe qualifications for
25 various classifications and shall limit the percentage of the
26 educational staff that may be in any given classification;

27 i. Upon nomination by the president, appoint, remove, promote
28 and transfer such other officers, agents or employees as may be
29 required for carrying out the purposes of the college and assign
30 their duties, determine their salaries and prescribe qualifications for
31 all positions, all in accordance with the provisions of Title 11, Civil
32 Service, of the Revised Statutes;

33 j. Grant diplomas, certificates and degrees;

34 k. Pursuant to the provisions of the "State College Contracts
35 Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and
36 agreements for the purchase of lands, buildings, equipment,
37 materials, supplies and services; enter into contracts and agreements
38 with the State or any of its political subdivisions or with the United
39 States, or with any public body, department or other agency of the
40 State or the United States or with any individual, firm, or
41 corporation, which are deemed necessary or advisable by the board
42 for carrying out the purposes of the college;

43 l. If necessary, take and condemn land and other property in
44 the manner provided by the "Eminent Domain Act of 1971,"
45 P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to
46 purchase land or other property;

47 m. Adopt, after consultation with the president and faculty,
48 bylaws and make and promulgate such rules, regulations and orders,

- 1 not inconsistent with the provisions of this article, that are
2 necessary and proper for the administration and operation of the
3 college and the carrying out of its purposes;
- 4 n. Establish fees for room and board sufficient for the
5 operation, maintenance, and rental of student housing and food
6 service facilities;
- 7 o. Fix and determine tuition rates and other fees to be paid by
8 students;
- 9 p. Accept from any government or governmental department,
10 agency or other public or private body or from any other source
11 grants or contributions of money or property, which the board may
12 use for or in aid of any of its purposes;
- 13 q. Acquire by gift, purchase, condemnation or otherwise, own,
14 lease, dispose of, use and operate property, whether real, personal
15 or mixed, or any interest therein, which is necessary or desirable for
16 college purposes;
- 17 r. Employ architects, engineers, consultants, and other
18 professionals to plan buildings, consistent with the provisions of the
19 "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et
20 seq.); secure bids for the construction of buildings and for the
21 equipment thereof; make contracts for the construction of buildings
22 and for equipment; and supervise the construction of buildings;
- 23 s. Manage and maintain, and provide for the payment of all
24 charges and expenses in respect to all properties utilized by the
25 college;
- 26 t. Borrow money for the needs of the college, as deemed
27 requisite by the board, in such amounts, and for such time and upon
28 such terms as may be determined by the board, provided that this
29 borrowing shall not be deemed or construed to create or constitute a
30 debt, liability, or a loan or pledge of the credit, or be payable out of
31 property or funds, other than moneys appropriated for that purpose,
32 of the State;
- 33 u. Authorize any new program, educational department or
34 school consistent with the institution's programmatic mission or
35 approved by the commission;
- 36 v. (Deleted by amendment, P.L.1994, c.48);
- 37 w. Pursuant to the "State College Contracts Law," P.L.1986,
38 c.43 (C.18A:64-52 et seq.), award contracts and agreements for the
39 purchase of goods and services, as distinct from contracts or
40 agreements for the construction of buildings and other
41 improvements, to that responsible bidder whose bid, conforming to
42 the invitation for bids, will be most advantageous to the State
43 college, price and other factors considered; **and**
- 44 x. Pursuant to the "State College Contracts Law," P.L.1986,
45 c.43 (C.18A:64-52 et seq.), award contracts and agreements for the
46 construction of buildings and other improvements to the lowest
47 responsible bidder, whose bid, conforming to the invitation for bids,
48 will be the most advantageous to the State college; and

1 y. retain independent counsel including representation by the
2 Attorney General in accordance with subsection h. of section 6 of
3 P.L.1994, c.48 (C.18A:3B-6) and, notwithstanding any other
4 provision of law to the contrary, if the State college elects not to be
5 represented by the Attorney General in any matter in which the
6 ³~~university~~ State college³ is solely responsible for any potential
7 liability, it shall be permitted to do so upon notice to the Attorney
8 General.²

9 (cf: P.L.2021, c.417, s.1)

10
11 ²26. (New section) There is appropriated from the General Fund to
12 Kean University the sum of \$25,000,000 to effectuate the purposes of
13 this act.²

14
15 ¹~~[26.]~~ ²~~[25.1]~~ 27.² Sections 1 through 3 of P.L.2000, c.41
16 (C.18A:72O-1 through C.18A:72O-3) are repealed.

17
18 ¹~~[27.]~~ ²~~[26.1]~~ 28.² This act shall take effect immediately.

19
20
21
22
23 Provides for merger of New Jersey City University with Kean
24 University; expands powers and property of Kean University;
25 appropriates \$25 million.