

Title 18A.
Subtitle 9.
Chapter 64M.
(New)
New Jersey
Medical and
Health Sciences
Education
Restructuring Act;
Rowan
University.
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13, 33, 34, 138-
140, 142, 143 –
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Chapter 65.
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New Jersey
Medical and
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Education
Restructuring Act.
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P.L.2012, CHAPTER 45, *approved August 22, 2012*
Assembly, No. 3102 (*Second Reprint*)

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 25, 2012.

²Assembly floor amendments adopted June 28, 2012.

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

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

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

11
12 ¹2. (New section) The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 m. This legislation also renews the State's commitment to
10 sustaining and growing its universities and to help them achieve
11 greater success on the national and international stage. New Jersey
12 must stem the persistent historical fact of seeing its brightest high
13 school students leave the State to attend college, and then not return
14 after college. As a State, we lead the nation in net ²[out-migration]
15 outmigration² of college-bound students. This ²[out-migration]
16 outmigration² of students leads to the ²[out-migration]
17 outmigration² of a well-trained workforce and prevents the State
18 from attracting crucial private sector jobs. This legislation will
19 allow for the development of a system to cultivate better
20 collaboration between its businesses and its institutions of higher
21 education. New Jersey's economy will benefit from increased and
22 integrated coordination between public and private research;

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

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

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

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

14 q. This legislation continues Rutgers as The State University of
15 New Jersey and the pre-eminent governance role of its Board of
16 Governor's as a public body. The legislation mandates that the
17 Board of Governors shall continue to have authority over the
18 granting of tenure and promotions, establishing standards for
19 academic programs and for the awarding of tenure to faculty at its
20 Newark and Camden campuses. The Board of Governors shall be
21 represented on the Rutgers-Camden Board of ²【Trustees】
22 Directors² and additionally, the Rutgers-Camden Board of
23 ²【Trustees】 Directors² is represented on the Rowan University-
24 Rutgers Camden Board of Governors. The Legislature consulted
25 with and sought and obtained active participation of Rutgers in
26 establishing the elements of this educational restructuring that will
27 permit Rutgers to enhance its position. The Legislature has
28 determined that the slight governance changes to Rutgers in this act
29 are necessary to promote essential opportunities for higher
30 education in the State and to improve the standing of Rutgers
31 University as a whole;

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

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

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

8 t. The need to reform medical education in the State has been a
9 subject discussed for years but up until now has been left
10 unresolved. The reports done in the past ten years have consistently
11 come to the same conclusion regarding UMDNJ. The Barer Report
12 noted that the present organization of UMDNJ's substantial assets is
13 not the best structure to maximize the effectiveness of the State's
14 investment in medical, dental, nursing and health sciences
15 education, associated research and health care. The State is the
16 home base for many of the world's largest pharmaceutical and
17 biotechnical companies. As such, the State and its institutions of
18 higher education should, but do not, lead the country in attracting
19 federal research funding and associated clinical training. This
20 legislation will address these issues and establish a first-class
21 comprehensive public research university-based health science
22 center in New Jersey through the transfer of the New Jersey
23 Medical School and Robert Wood Johnson Medical School ²[into]
24 to² Rutgers;

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

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

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

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

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

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

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

- 1 ²[Newark-based]² medical education programs ²located in
2 Newark²;
- 3 aa. The stated goal of this legislation is to create vibrant
4 educational institutions and communities that will not only attract
5 students but attract private sector jobs. The increased attention to
6 the Rutgers University-Newark campus and University Hospital
7 will allow the city to derive not only significant financial, medical
8 and educational benefits, but cultural and social benefits as well.
9 The improved focus on the Newark campus will be a conduit for
10 expanding commercial opportunities in the city and for providing
11 greater opportunities for students in the northern region to benefit
12 fully from the substantial public investments already made and to
13 be made in higher education in Newark;
- 14 bb. The goal of this legislation is to enhance the critical higher
15 education opportunities for the residents of the State and to create
16 vibrant educational institutions and communities that will attract
17 business to the State and will allow the State to retain its residents
18 in terms of college placement and workforce. This legislation
19 recognizes the State's public institutions of higher education must
20 work together as an integrated whole and thus provides for the
21 necessary restructuring of the higher education system in the State
22 which will provide more vigorous educational communities that
23 will spur opportunities for students and the workforce necessary to
24 attract crucial private sector jobs;
- 25 cc. The higher education reform and restructuring reflected in
26 this legislation renews the State's commitment to sustaining and
27 growing its universities and in helping them to achieve greater
28 success. More particularly, the legislation reaffirms the State's
29 economic commitment to Rutgers – over \$10 billion to the
30 University since 1990 – by the transfer of medical and related
31 schools to Rutgers valued ²[in excess of] at² nearly \$1 billion
32 dollars. Additionally, this legislation reaffirms Rutgers' preeminent
33 role in the State's higher education system serving as an
34 instrumentality of the State in trust for its betterment;
- 35 dd. This comprehensive review and restructuring of the higher
36 education institutions and the systems that serve them as evidenced
37 by this act, dictate that all of the schools, institutions and centers,
38 transferred pursuant to this act, be transferred together and that no
39 transfer of a school, institution or center may be done apart from the
40 whole. The transfers reflected in this legislation are inextricably
41 linked and work together to promote reform and the effective
42 restructuring of the State's higher education system ²;
- 43 ee. The State has determined that the establishment of a
44 comprehensive regional educational and research system in
45 southern New Jersey combining the resources of Rutgers-Camden
46 and Rowan University in the City of Camden (the "Regional
47 University System") will promote the best interests of the residents
48 of the State of New Jersey and will serve to further the mission of

1 education and research for the State of New Jersey;

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

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

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

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

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

43
44 ¹【2.】 3.¹ (New section) a. In order to carry out the purposes of
45 this act and to provide the program of medical and dental education
46 required for the benefit of the State and the people of New Jersey,
47 all rights to all of the schools, institutes, and centers of the
48 University of Medicine and Dentistry of New Jersey, other than the

1 School of Osteopathic Medicine¹, the entire Stratford campus, the
2 remaining facilities in Camden, and University Hospital¹, are
3 hereby transferred to Rutgers, The State University.

4 ¹[Rutgers, The State University is hereby authorized to acquire
5 the] The¹ facilities of the schools, institutes, and centers of the
6 University of Medicine and Dentistry of New Jersey, other than the
7 facilities of the School of Osteopathic Medicine¹, the entire
8 Stratford campus, the remaining facilities in Camden, and
9 University Hospital, are hereby transferred to Rutgers, The State
10 University¹, and ¹the university shall¹devote the same to the
11 purposes of public higher education in the State in accordance with
12 the terms of any gift, grant, trust, contract or other agreement with
13 the State or any of its political subdivisions or with the United
14 States or with any public body, department or any agency of the
15 State or the United States or with any individual, firm or
16 corporation.

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

22 b. ¹Rutgers, The State University shall maintain the public
23 mission and commitment of the University of Medicine and
24 Dentistry of New Jersey, including ²an affiliation with² University
25 Hospital, to provide a comprehensive healthcare program and
26 services to the greater Newark community, including outreach and
27 mobile health services and services provided collaboratively
28 between University Hospital and the University of Medicine and
29 Dentistry of New Jersey, or any of its components.

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

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

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

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

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

21
22 ¹[3.] 4.¹ (New section) Upon the transfer of the schools,
23 institutes, and centers of the University of Medicine and Dentistry
24 of New Jersey ¹other than the School of Osteopathic Medicine, the
25 entire Stratford campus, the remaining facilities in Camden, and
26 University Hospital,¹ to Rutgers, The State University pursuant to
27 section ¹[2] 3¹ of this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21
22 ¹[7.] 8.¹ (New section) ¹a.¹ All ¹functions, powers, duties, and¹
23 rights of the University of Medicine and Dentistry of New Jersey
24 ¹[in], related directly or indirectly to the establishment,
25 maintenance, and operation as to¹ the School of Osteopathic
26 Medicine¹,¹ are hereby transferred ¹and assigned¹ to Rowan
27 University. ¹[Rowan University is hereby authorized to acquire the
28 facilities of] All of the University of Medicine and Dentistry of
29 New Jersey’s rights, title, and interest in¹ the School of Osteopathic
30 Medicine ¹[and devote the same], its auxiliary and supporting
31 institutions and the campus located in Stratford including, but not
32 limited to, all associated fixed tangible assets, real property,
33 building and all furniture, fixtures, equipment, and personal
34 property contained therein, are hereby transferred to Rowan
35 University and shall be devoted¹ to the purposes of public higher
36 education in the State in accordance with the terms of any gift,
37 grant, trust, contract or other agreement with the State or any of its
38 political subdivisions or with the United States or with any public
39 body, department or any agency of the State or the United States or
40 with any individual, firm or corporation.

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

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

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

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

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

21

22 ¹[8.] 9.¹ (New section) Upon the transfer of the School of
23 Osteopathic Medicine of the University of Medicine and Dentistry
24 of New Jersey to Rowan University pursuant to section ¹[7] 8¹ of
25 this act:

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

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

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

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

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

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

27
28 ¹[9.] 10.¹ (New section) ¹[This act shall not affect actions or
29 proceedings, civil or criminal, brought by or against the School of
30 Osteopathic Medicine, but such actions, or proceedings may be
31 prosecuted or defended in the same manner and to the same effect
32 by Rowan University, as if the foregoing provisions had not taken
33 effect; nor shall any of the foregoing provisions affect any order or
34 regulation made by, or other matters or proceedings before, the
35 School of Osteopathic Medicine, and all such matters or
36 proceedings pending before the School of Osteopathic Medicine, on
37 the effective date of this act shall be continued by Rowan
38 University, as if the foregoing provisions had not taken effect.] For
39 medical malpractice claims incurred at the School of Osteopathic
40 Medicine before or after the effective date of this act, Rowan
41 University shall elect within 75 days of the signing of this act
42 whether it, and its employees, shall be represented in all such
43 matters by the Attorney General. If Rowan University elects to be
44 represented by the Attorney General, then the Department of the
45 Treasury shall enter into a memorandum of agreement with Rowan
46 University modeled on the June, 2003 memorandum of agreement
47 between the Department of the Treasury and the University of
48 Medicine and Dentistry concerning the Self-Insurance Reserve

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

13

14 ¹[10.] 11. (New section) All debts of the University of
15 Medicine and Dentistry of New Jersey ¹[associated with] incurred
16 in the operation and administration of¹ the School of Osteopathic
17 Medicine ¹and debt specifically and directly related to the real and
18 personal property being transferred in Stratford¹ are ¹hereby¹
19 transferred to Rowan University, and all creditors of the University
20 of Medicine and Dentistry of New Jersey may enforce those debts
21 against Rowan University in the same manner as they might have
22 had against the University of Medicine and Dentistry of New
23 Jersey, and the rights and remedies of those creditors shall not be
24 limited or restricted in any manner by this act.

25

26 ¹[11.] 12. (New section) a. Nothing in this act shall be
27 construed to deprive any officers or employees of the School of
28 Osteopathic Medicine ¹of the University of Medicine and Dentistry
29 of New Jersey¹ of their rights, privileges, obligations or status with
30 respect to any pension, retirement, or health benefits system. The
31 employees shall, upon transfer to Rowan University, retain all of
32 their rights and benefits under existing collective negotiations
33 agreements or contracts until such time as new or revised
34 agreements or contracts are agreed to. ¹[All existing employee
35 majority representatives shall be retained to act on behalf of those
36 employees until such time as the employees shall, pursuant to law,
37 elect to change those majority representatives] Notwithstanding the
38 limitations on the number of Statewide negotiations units set forth
39 in section 1 of P.L.2005, c.142 (C.34:13A-5.10), employees shall
40 continue to be represented by the majority representative that
41 represented them as employees of the School of Osteopathic
42 Medicine of the University of Medicine and Dentistry of New
43 Jersey, unless the employees choose to change their majority
44 representative pursuant to law. Rowan University shall assume all
45 obligations under existing or expired collective negotiations
46 agreements that covered employees of the School of Osteopathic

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

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

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

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

19

20 ¹13. New section) Notwithstanding the provisions of
21 Reorganization Plan No. 002-2009 to the contrary, the properties
22 referenced in paragraph 2b.ii of the plan are hereby transferred from
23 the University of Medicine and Dentistry of New Jersey to Rowan
24 University without monetary or other consideration on or before
25 September 1, 2013.¹

26

27 ¹[12.] 14.¹ (New section) a. University Hospital shall be the
28 principal teaching hospital of New Jersey Medical School ¹and New
29 Jersey Dental School, and any other Newark-based medical
30 education program¹. University Hospital ¹is hereby established as a
31 body corporate and politic and¹ shall be treated and accounted for
32 as a separate ¹non-profit¹ legal entity from ¹[the university]
33 Rutgers, The State University¹, and its assets, liabilities, and funds
34 shall not be consolidated or commingled with those of ¹[the
35 university] Rutgers, The State University. The exercise by
36 University Hospital of the powers conferred by this act shall be
37 deemed to be public and essential government functions necessary
38 for the welfare and health of the State and the people of New
39 Jersey¹ ²and University Hospital shall be an instrumentality of the
40 State².

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15

16 ¹[14.] 16. (New section) a. Nothing in this act shall be
17 construed to deprive any officers or employees of ¹the University of
18 Medicine and Dentistry of New Jersey who become employees of¹
19 University Hospital of their rights, privileges, obligations, or status
20 with respect to any pension, retirement, or health benefits system.
21 ¹[If any employees of University Hospital are transferred to, or
22 otherwise become employees of, a new entity as a result of a
23 restructuring or reorganization pursuant or subsequent to this act,
24 those] The¹ employees shall retain all of their rights and benefits
25 under existing collective negotiations agreements or contracts until
26 such time as new or revised agreements or contracts are agreed
27 to¹[. All existing employee representatives shall be retained to act
28 on behalf of those employees until such time as the employees
29 shall, pursuant to law, elect to change those representatives] and
30 such employees shall continue to be represented by the majority
31 representative that represented them as employees of the University
32 of Medicine and Dentistry of New Jersey unless the employees
33 choose to change their majority representative pursuant to law.
34 University Hospital shall assume all obligations under existing or
35 expired collective negotiations agreements that covered employees
36 of the University of Medicine and Dentistry of New Jersey on the
37 effective date of this act and who become employees of University
38 Hospital.

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

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

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

3 b. The employees of ¹the University of Medicine and Dentistry
4 of New Jersey who become employees of¹ University Hospital ¹ [,
5 upon transfer to a new entity,] pursuant to the provisions of this
6 act¹ shall not be considered new employees for any purpose and
7 shall retain any accrued seniority, rank, and tenure, which shall be
8 applied when determining eligibility for all benefits, including all
9 paid leave time, longevity increases, and promotions.

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

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

39
40 ¹[15.] 17.¹ (New section) a. University Hospital shall be
41 required to obtain approval from the Superior Court of New Jersey
42 prior to entering into a transaction that results in the acquisition of
43 the hospital, and shall satisfy the requirements of the “Community
44 Health Care Assets Protection Act,” P.L.2000, c.143 (C.26:2H-7.10
45 et seq.) ¹ [, to the maximum extent to which those provisions are
46 determined applicable by the Attorney General, in consultation with
47 the Commissioner of Health and Senior Services]. Any acquisition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in the operation and management of University Hospital. Prior² to
2 entering into a contract with a nonprofit corporation to operate and
3 manage or assist in the operation or management of University
4 Hospital, University Hospital shall prepare a Request for Proposals
5 describing with reasonable specificity the management services to
6 be provided by a nonprofit corporation, and shall publish the
7 Request for Proposals on its public Internet website no less than 30
8 days prior to the date established by University Hospital for the
9 submission of proposals for any contract for management services
10 ²], and shall comply with the public advertising requirements of
11 section 4 of the “Local Public Contracts Law,” P.L.1971, c.198
12 (C.40A:11-4). In preparing a Request for Proposals, University
13 Hospital may seek input and assistance from prospective candidates
14 for the management contract, provided University Hospital
15 communicates on its public Internet website that this is occurring
16 before the Request for Proposals is published]².

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

22 d. Any management contract entered into by University
23 Hospital after the ²[effective] enactment² date of this act shall
24 retain the status of University Hospital bargaining unit employees
25 as public employees within the meaning of subsection d. of section
26 3 of the “New Jersey Employer-Employee Relations Act,”
27 P.L.1941, c.100 (C.34:13A-3). Employees of the nonprofit
28 corporation awarded the contract to manage and operate University
29 Hospital shall not be required to be public employees within the
30 meaning of subsection d. of section 3 of the “New Jersey Employer-
31 Employee Relations Act,” P.L.1941, c.100 (C.34:13A-3).
32 Employees of the nonprofit corporation awarded the management
33 contract shall not perform the duties of public employees
34 represented by majority representatives employed by University
35 Hospital prior to the effective date of the management contract,
36 except to the extent that such duties are incidental to their
37 management duties.

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

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

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

13

14 ¹[16.] 20.¹ (New section) ¹[a. As used in this section, “northern
15 counties” means Bergen, Essex, Hudson, Morris, Passaic, Union,
16 Sussex, and Warren Counties.

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

20 ²b. Effective July 1, 2013, a campus ¹advisory¹ board ¹[of
21 governors]¹ shall be appointed for Rutgers University–Newark.
22 The campus ¹advisory¹ board ¹[of governors]¹ shall ¹[be
23 composed of eight members as follows: the chancellor of Rutgers
24 University–Newark who shall serve as an ex-officio, nonvoting
25 member; two members appointed by the board of governors of
26 Rutgers University established pursuant to N.J.S.18A:65-14 from
27 among its members; one member appointed by the board of trustees
28 of Rutgers University established pursuant to N.J.S.18A:65-15 from
29 among its members; and four members, who are residents of the
30 northern counties, appointed by the Governor, and upon the
31 expiration of the terms of the original members, with the advice and
32 consent of the Senate.

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

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

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

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

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

18 The campus advisory board shall be composed of ²[11] ¹³²
19 members as follows: the chancellor of Rutgers University-Newark
20 who shall serve ex-officio; the member of the board of governors of
21 Rutgers, The State University who is appointed by the board of
22 trustees and who is, pursuant to N.J.S.18A:65-14, required to be a
23 resident of Essex County; two Rutgers University-Newark faculty
24 members one of whom is appointed by the faculty union and one of
25 whom is elected by the Rutgers Newark Faculty Council; one
26 member of the Rutgers University-Newark administration appointed
27 by the Rutgers University-Newark chancellor; one Rutgers
28 University-Newark staff member selected from among the staff
29 unions; two student representatives appointed by the Rutgers
30 University-Newark student governing association; ²[and]² three
31 members of the local community, two of whom shall be selected by
32 the Office of Community Affairs from community organizations
33 with one of these members being an alumnus of Rutgers
34 University-Newark, and one of whom shall be selected by the
35 Mayor of the City of Newark ²; and two public members who are
36 appointed by the chancellor and who are residents of a northern
37 county².

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21
22 ¹[18.] 26.¹ (New section) a. As used in this section, “southern
23 counties” means Atlantic, Burlington, Camden, Cape May,
24 Cumberland, Gloucester, Ocean, and Salem Counties.

25 b. Effective July 1, 2013, a campus board of ²[trustees]
26 directors² shall be appointed for Rutgers University–Camden. The
27 campus board of ²[trustees] directors² shall be composed of
28 ²[eight] 10² members as follows: the chancellor of Rutgers
29 University–Camden who shall serve as an ex-officio, nonvoting
30 member; ²[two] three² members appointed by the board of
31 governors of Rutgers University ²[established pursuant to
32 N.J.S.18A:65-14 from among its members]²; ²[one member] two
33 members² appointed by the board of trustees of Rutgers ², The
34 State² University ²[established pursuant to N.J.S.18A:65-15]² from
35 among its ²non-public² members; and four members, who are
36 residents of the southern counties, appointed by the Governor with
37 the advice and consent of the Senate.

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

1 appointments for the remainder of the unexpired term. A ²[trustee]
2 director² appointed by the Governor may succeed himself for not
3 more than one additional term after having served one full six-year
4 term.

5 A ²[trustee] director² shall be subject to removal, after a hearing
6 by a majority of the campus board of ²[trustees] directors², for
7 malfeasance or conduct injurious to the interest of Rutgers
8 University-Camden, subject to review and confirmation by the
9 Governor in the case of his appointees or by the board of governors
10 or the board of trustees, as applicable, in the case of that board's
11 appointees.

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

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

22

23 ¹[19.] 27.¹ (New section) Notwithstanding the provisions of
24 N.J.S.18A:65-25 or any other section of law to the contrary, the
25 campus board of ²[trustees] directors² shall have general
26 supervision over and shall be vested with the conduct of Rutgers
27 University-Camden. It shall have the following powers, subject to
28 the approval of the ¹[Joint]¹ Rowan University-Rutgers Camden
29 Board of Governors which shall be subject to the limitations set
30 forth in section 34 of P.L. , c. (C.) (pending before the
31 Legislature as this bill)²:

32 a. subject to the policies of Rutgers, The State University²
33 determine policies for the organization, administration, and
34 development of Rutgers University-Camden;

35 b. study the educational and financial needs of Rutgers
36 University-Camden; and² annually acquaint the Governor and
37 Legislature with the condition of Rutgers University-Camden ²[;
38 and prepare and present an annual budget to the Governor, the
39 Division of Budget and Accounting in the Department of the
40 Treasury, and the Legislature in accordance with the law;

41 c. set tuition and fees;

42 d.] c.² disburse all moneys appropriated to Rutgers University-
43 Camden by the Legislature, including appropriations for fringe
44 benefit costs, and all moneys ²[received] allocated to Rutgers
45 University-Camden² from tuition, fees, auxiliary services, and other
46 sources;

1 ²[e.] d.² direct and control expenditures and transfers of funds
2 appropriated ²and allocated² to Rutgers University-Camden, in
3 accordance with the State budget and appropriation acts of the
4 Legislature, ²[reporting changes and additions thereto and transfers
5 thereof to the Director of the Division of Budget and Accounting in
6 the Department of the Treasury]² and as to funds received ²and
7 allocated² from other sources, direct and control expenditures and
8 transfers in accordance with the terms and conditions of any
9 applicable trusts, gifts, bequests, or other special provisions. All
10 accounts of Rutgers University-Camden shall be subject to audit by
11 the State at any time;

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

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

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

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

31 ²[j.] g.² in accordance with the provisions of the State budget
32 and appropriations acts of the Legislature, ²[appoint and]² fix the
33 compensation of the chancellor of Rutgers University-Camden ²[,
34 who shall be the executive] in accordance with the compensation
35 guidelines and policies of Rutgers, The State University. The
36 chancellor, who shall be appointed by the president of Rutgers, The
37 State University, shall be the chief academic and administrative²
38 officer of Rutgers University-Camden and an ex-officio member of
39 the Rutgers University-Camden board of ²[trustees] directors²,
40 without vote ²[, and shall serve at the pleasure of that board]²;

41 ²[k.] h.² in accordance with the provisions of the State budget,
42 have the power to elect, appoint, remove, promote, or transfer all
43 corporate, official, educational, and civil administrative personnel,
44 and fix and determine their salaries ¹consistent with the terms of
45 any ²applicable² collective negotiations agreements entered into

1 between Rutgers, The State University and a majority
 2 representative¹;

3 ²[l.] i. ²in accordance with the State budget, appoint, remove,
 4 promote, and transfer all other officers, agents, or employees,
 5 assign their duties, determine their salaries, and prescribe
 6 qualifications for all positions, and in accordance with ²[the salary
 7 schedules of the Civil Service Commission whenever possible]
 8 policies of Rutgers, The State University² ¹and consistent with the
 9 terms of any ²applicable² collective negotiations agreements
 10 entered into between Rutgers, The State University and a majority
 11 representative¹; and

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

18 ¹Nothing in this section shall be construed to alter, amend,
 19 modify or diminish the authority of the board of governors of
 20 Rutgers, The State University to grant tenure and promotions to
 21 faculty at Rutgers University-Camden ²[and] ²establish standards
 22 for academic programs and for the awarding of degrees for Rutgers
 23 University-Camden ², and make final decisions on capital projects,
 24 bonding, and the annual budget of Rutgers University-Camden² .¹
 25

26 ¹[20.] 28.¹ (New section) Rutgers University-Camden shall
 27 maintain an Internet website for the board of ²[trustees] directors².
 28 The purpose of the website shall be to provide increased public
 29 access to board operations and activities. The following
 30 information shall be posted on the board's website:

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

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

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

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

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

43 ¹[21.]²[29.¹ (New section) a. The board of governors of
 44 Rutgers University shall enter into a ¹[99-year]¹ lease¹, use and
 45 occupancy, or other¹ agreement with the board of trustees of
 46 Rutgers University-Camden ¹[,subject to the approval of the Joint

1 Rowan University-Rutgers Camden Board of Governors,] for a
2 term of 99 years¹ pursuant to which ¹[all property and assets of]¹
3 Rutgers University-Camden shall ¹be permitted to use and occupy
4 all property and assets real or personal constituting the Rutgers
5 University-Camden campus; provided, however, that all such
6 property and assets subject to the utilization agreement shall¹
7 remain the property and assets of Rutgers University; except that
8 Rutgers University shall have no responsibility or control over the
9 property and assets or over the maintenance, insurance, and
10 development of the property and assets ¹during such use and
11 occupancy by Rutgers University-Camden¹. The ¹[lease
12 agreement] utilization agreement¹ shall provide¹, among other
13 things¹, for an annual payment of \$1 per year by Rutgers
14 University-Camden to the board of governors of Rutgers University
15 and shall also include the payment by Rutgers University-Camden
16 of ¹[any] the allocable portion of¹ debt service ¹[associated with]
17 on bonds, notes, or other obligations issued by Rutgers University
18 directly related to¹ the facilities and property of Rutgers University-
19 Camden ¹subject to the utilization agreement¹. At the end of the
20 ¹[lease agreement] term of the utilization agreement¹, Rutgers
21 University-Camden shall have the option to purchase the property at
22 fair market value, exclusive of any improvements, buildings, or
23 fixed assets thereon.

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

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

34 The agreement shall include a ¹[negotiated rate] proportional
35 amount¹ of reimbursement to be paid by Rutgers University-
36 Camden to Rutgers University for ¹[the] its use of¹ central
37 administrative services and systems provided pursuant to the
38 agreement ¹that are directly related to Rutgers University-
39 Camden¹.]²

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

1 ¹[22.] 30.¹ (New section) ²[¹a.]² The board of governors of
2 Rutgers University shall establish:

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

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

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

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

14
15 ¹[23.] 31.¹ (New section) ¹a.¹ The provisions of all collective
16 negotiations agreements applicable to employees of Rutgers
17 University-Camden in effect on the effective date of P.L. , ,
18 c. (C.) (pending before the Legislature as this bill) shall remain
19 in full force and effect until such time as new or revised agreements
20 or contracts may be established. ¹All persons employed at Rutgers
21 University-Camden shall continue to be represented by the majority
22 representative that represented them on the effective date of this act,
23 shall continue to be represented in the Rutgers University-wide
24 collective negotiations units they were in on the effective date of
25 this act, and shall continue to be covered by the collective
26 negotiations agreements that were in effect on the effective date of
27 this act. Persons employed at Rutgers University-Camden shall
28 continue to be employees of Rutgers, The State University and
29 Rutgers, The State University shall continue to be the public
30 employer of such employees as that term is defined by the “New
31 Jersey Employer-Employee Relations Act,” P.L.1941, c.100
32 (C.34:13A-1 et seq.).

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

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

1 ¹[24.] 32.¹ (New section) ²[a.]² All monies ¹and funding
2 including, but not limited to, grants, gifts, bequests, tuition,
3 endowments, appropriations, capital improvement expenditures,
4 debt service, research funds, State-funded personnel and budgeted
5 positions, institutional support, centralized services, and grants-in-
6 aid,¹ previously allocated or otherwise provided to Rutgers
7 University for the use of Rutgers University-Camden, regardless of
8 source, which remain unexpended on the effective date of P.L. ,
9 c. (C.) (pending before the Legislature as this bill), shall be
10 transferred to Rutgers University-Camden.

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

15
16 ¹[25.] 33.¹ (New section) There is established the ¹[Joint]¹
17 Rowan University-Rutgers Camden Board of Governors.
18 ²[Notwithstanding any other provision of law to the contrary , the
19 board shall have full authority over all matters concerning the
20 supervision and operations of Rowan University and Rutgers
21 University-Camden.]²

22 a. The board shall be composed of seven members as follows:
23 two members appointed by the board of trustees of Rowan
24 University from among its members; two members appointed by the
25 board of ²[trustees] directors² of Rutgers University-Camden from
26 among its members; and three members appointed by the Governor
27 with the advice and consent of the Senate. The board shall elect a
28 chairperson from among its membership.

29 b. The term of office of a member of the ¹[joint]¹ board
30 appointed by the board of trustees of Rowan University or the board
31 of ²[trustees] directors² of Rutgers University-Camden shall be
32 coterminous with his term on that board ²[of trustees]². The term
33 of office of the Governor’s appointees shall be six years. An
34 appointed member may be removed for cause by the board of
35 trustees ²or the board of directors² that appointed the member, or
36 by the Governor in the case of his appointees.

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

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

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

1 ¹[26.] 34.¹ (New section) The ¹[Joint]¹ Rowan University-
2 Rutgers Camden Board of Governors shall have the authority and
3 responsibility to:

4 a. approve or disapprove of ²[any decision of] the
5 establishment or expansion of any schools, programs, or
6 departments after the effective date of this act in the area of the
7 health sciences proposed by either² the board of trustees of Rowan
8 University or the board of ²[trustees] directors² of Rutgers
9 University-Camden;

10 b. determine policies for the organization, administration, and
11 development of curriculum and programs of Rowan University and
12 Rutgers University-Camden ²in the area of the health sciences²,
13 including dual degree programs and partnerships between the
14 institutions;

15 c. make ²recommendations to Rowan University and to
16 Rutgers, The State University for² joint faculty appointments to
17 Rowan University and Rutgers University-Camden;

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

21 e.]² provide curricular oversight of joint programs ²in the area of
22 the health sciences² of Rowan University and Rutgers University-
23 Camden; and

24 ²[f.] e.² develop plans ²[and policies]² for the operation and
25 governance of health science facilities, including ²[policies] plans²
26 concerning the development and financing of capital improvements
27 or expansions of health science facilities.

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

32 ¹The board shall not take any action to use, transfer, commit, or
33 control the endowment funds ²or any other funds² provided to or
34 accumulated by and under the control of either institution without
35 the respective approval of the Rowan University Board of Trustees
36 or the Rutgers ²[Camden]² Board of ²[Trustees] Governors². The
37 board shall have no authority over the tenure or contract rights of
38 faculty at either Rutgers, The State University or Rowan University.

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

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

1 ¹[27.] 35.¹ (New section) a. As used in sections ¹[28 through
2 56] 36 through 62¹ of P.L. , c. (C.) (pending before the
3 Legislature as this bill) "Rowan University" shall, unless the
4 context clearly indicates to the contrary, include and mean the
5 public research university herein designated "Rowan University" as
6 presently and hereafter constituted, including all departments,
7 colleges, schools, centers, branches, educational and other units and
8 extensions thereof, extension and cooperative education programs,
9 continuing education programs, and all other departments of higher
10 education maintained by the educational entity of the university.

11 b. As used in sections ¹[28 through 56] 36 though 62¹ of
12 P.L. , c. (C.) (pending before the Legislature as this bill),
13 "university" shall mean "Rowan University."
14

15 ¹[28.] 36.¹ (New section) There is hereby established a body
16 corporate and politic to be known as Rowan University. The
17 exercise by the university of the powers conferred by this act,
18 including the presentation and operation of a four-year allopathic
19 medical school, shall be deemed to be public and essential
20 governmental functions necessary for the welfare of the State and
21 the people of New Jersey.
22

23 ¹[29.] 37.¹ (New section) It is declared to be the public policy
24 of the State that the university shall be given a high degree of self-
25 government and that the governance and conduct of the university
26 shall be free of partisanship.
27

28 ¹[30.] 38.¹ (New section) The board of trustees of the university
29 is continued and shall have and exercise the powers, authority,
30 rights and privileges and shall be subject to the duties, obligations,
31 and responsibilities set forth in this act.
32

33 ¹[31.] 39.¹ (New section) a. The composition and size of the
34 board of trustees shall be determined by the board; however, the
35 board shall have not less than seven nor more than 15 members.
36 The members shall be appointed by the Governor with the advice
37 and consent of the Senate. The board of trustees shall recommend
38 potential new members to the Governor. The terms of office of
39 appointed members shall be for six years beginning on July 1 and
40 ending on June 30. Each member shall serve until his successor
41 shall have been appointed and qualified and vacancies shall be
42 filled in the same manner as the original appointments for the
43 remainders of the unexpired terms. Any member of a board of
44 trustees may be removed by the Governor for cause upon notice and
45 opportunity to be heard.

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

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

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

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

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

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

32

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

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

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

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

- 1 c. The student members shall be entitled to full participation in
2 all activities of the board except that they shall not participate in:
- 3 (1) Any matter involving the employment, appointment,
4 termination of employment, terms and conditions of employment,
5 evaluation of the performance of, promotion or disciplining of any
6 specific prospective officer or employee or current officer or
7 employee employed or appointed by the board, unless all the
8 individual employees or appointees whose rights could be adversely
9 affected request in writing that the matter or matters be discussed at
10 a public meeting;
- 11 (2) Any matter involving the purchase, lease, acquisition or sale
12 of real property with public funds, the setting of banking rates or
13 investment of public funds, where it could adversely affect the
14 public interest if discussion of these matters were disclosed; and
- 15 (3) Any pending or anticipated litigation in which the board is,
16 or may become, a party, where it could adversely affect the public
17 interest if discussion of these matters were disclosed, or any matters
18 falling within the attorney-client privilege, to the extent that
19 confidentiality is required in order for the attorney to exercise his
20 ethical duties as a lawyer.
- 21 d. Upon assuming office, the students shall agree to adhere to
22 such standards of responsibility and confidentiality as are
23 established by the board of trustees.
24
- 25 ¹[33.] 41.¹ (New section) The board of trustees of Rowan
26 University shall have the general supervision over and be vested
27 with the conduct of the university. It shall have the power and duty,
28 subject to the approval of the ¹[Joint]¹ Rowan University-Rutgers
29 Camden Board of Governors ²which shall be subject to the
30 limitations set forth in section 34 of P.L. , c. (C.) (pending
31 before the Legislature as this bill)², to:
- 32 a. Adopt and use a corporate seal;
- 33 b. Determine the educational curriculum and program of the
34 university;
- 35 c. Determine policies for the organization, administration, and
36 development of the university;
- 37 d. Study the educational and financial needs of the university,
38 annually acquaint the Governor and Legislature with the condition
39 of the university, and prepare and submit an annual request for
40 appropriation to the Division of Budget and Accounting in the
41 Department of the Treasury in accordance with law;
- 42 e. Disburse all moneys appropriated to the university by the
43 Legislature and all moneys received from tuition, fees, auxiliary
44 services and other sources;
- 45 f. Direct and control expenditures and transfers of funds
46 appropriated to the university in accordance with the provisions of
47 the State budget and appropriation acts of the Legislature, and, as to
48 funds received from other sources, direct and control expenditures

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

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

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

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

27 j. Grant diplomas, certificates or degrees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41

42 ¹[34.] 42.¹ (New section) All functions, powers and duties
43 relating to the investment or reinvestment of funds other than those
44 funds specified in subsection w. of section ¹[33] 41¹ of P.L. ,
45 c. (C.) (pending before the Legislature as this bill) within the
46 jurisdiction of the board of trustees including the purchase, sale, or
47 exchange of any investments or securities may be exercised and
48 performed by the Director of the Division of Investment in the

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

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

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

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

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

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

11 The website shall be updated on a regular basis.

12

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

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

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

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

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

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

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

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

21 State, except as otherwise provided by this act.

22

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

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

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

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

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

28 execution and enforcement of bylaws, ordinances, rules,

29 regulations, statutes, and orders governing the management,

30 conduct and administration of the university.

31

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

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

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

35 constituent unit thereof.

36

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

38 Governor and Legislature, in consultation with the Secretary of

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

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

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

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

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

44 trustees shall make recommendations to the Governor and the

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

46 university as an educational instrumentality of the State for that

47 purpose.

1 ¹[42.] 48.¹ (New section) Subject to the provisions of P.L.1969,
2 c.242 (C.18A:66-167 et seq.) and except as otherwise provided by
3 law, the university shall be deemed to be an employer for the
4 purposes of the "Public Employees' Retirement System Act,"
5 P.L.1954, c.84 (C.43:15A-1 et seq.), and shall also be deemed to be
6 a "public agency or organization" within the meaning of section 71
7 of that act (C.43:15A-71). Further, the university's commissioned
8 police officers shall be eligible for participation in and subject to
9 the provisions of the "Police and Firemen's Retirement Systems
10 Act," P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall
11 be deemed an employer within the meaning of that act.

12
13 ¹[43.] 49.¹ (New section) Nothing herein contained shall be
14 construed to impair, annul or affect any vested rights, grants,
15 privileges, exemptions, immunities, powers, prerogatives,
16 franchises, or advantages heretofore obtained or enjoyed by the
17 university or any constituent unit thereof, under any authority or
18 any act of this State or under any grant, deed, conveyance, transfer,
19 lease, estate, remainder, expectancy, trust, gift, donation, legacy,
20 devise, endowment or fund, all of which are hereby ratified and
21 confirmed except insofar as the same may have expired, be or have
22 been repealed or altered, or may be inconsistent with this act or
23 with existing provisions of law; subject however, thereto and to all
24 of the rights, obligations, relations, conditions, terms, trust, duties,
25 and liabilities to which the same are subject.

26
27 ¹[44.] 50.¹ (New section) The enactment and adoption of this
28 act shall not, of itself, affect the official, operational, or
29 organizational status of any officer of the university or any and all
30 outstanding authorizations of any officer, agent, or employee to
31 take specified action, or any and all outstanding commitments or
32 undertakings of or by the university, except and only to the extent
33 that any of the same may be inconsistent with this act.

34
35 ¹[45.] 51.¹ (New section) Upon the establishment of the body
36 corporate and politic known as Rowan University:

37 a. All appropriations¹, grants, debt service, research funds, and
38 other monies¹ available to Rowan University prior to the effective
39 date of this act and to become available shall be transferred to the
40 university by the Director of the Division of Budget and Accounting
41 in the Department of the Treasury and shall be available for the
42 objects and purposes for which appropriated, subject to any terms,
43 restrictions, limitations or other requirements imposed by the State
44 budget;

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

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

4 c. All employees of Rowan University prior to the effective
5 date of this act shall become employees of the university. Nothing
6 in this act shall be construed so as to deprive any person of any
7 right of tenure or under any retirement system or to any pension,
8 disability, social security or similar benefit, to which the person is
9 entitled by law or contractually¹. All persons employed at Rowan
10 University shall continue to be represented by the majority
11 representative that represented them on the effective date of this act,
12 shall continue to be represented by the executive branch Statewide
13 collective negotiations units they were in on the effective date of
14 this act, and shall continue to be covered by the collective
15 negotiations agreements that were in effect on the effective date of
16 this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1),
17 the Governor shall continue to function as the public employer
18 under the "New Jersey Employer-Employee Relations Act,"
19 P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at
20 Rowan University. The executive branch Statewide collective
21 negotiations units referenced in this section are the units specified
22 in subsection b. section 1 of P.L.2005, c.142 (C.34:13A-5.10). The
23 employees of Rowan University employed on the effective date of
24 this act shall not be considered new employees for any purpose and
25 shall retain any accrued seniority, rank, and tenure, which shall be
26 applied when determining eligibility for all benefits, including all
27 paid leave time, longevity increases, promotions and health
28 benefits. Nothing in this act shall be construed to deprive any
29 person employed at Rowan University of any tenure rights or to in
30 any manner affect the tenure, rank, or academic track of any
31 employees holding a faculty position. Such tenure, rank and
32 academic track shall continue to be through Rowan University and
33 shall be held or granted pursuant to the authority of the board of
34 trustees of Rowan University for all current and future employees
35 employed at Rowan University. Nothing in this act shall be
36 construed to deprive any officers or employees employed at Rowan
37 University of their rights, privileges, obligations or status under any
38 pension, retirement, health benefits system, civil service law or any
39 other law of this State¹;

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

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

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

11

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

18

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

25

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

30

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

43

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

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

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

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

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

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

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

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

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

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

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

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

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

26

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

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

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

39

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

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

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

9
10 '【60.】 66.' Section 4 of P.L.2003, c.193 (C.17B:27D-4) is
11 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 The president of Rutgers, The State University;

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

41 The president of New Jersey Institute of Technology;

42 The president of Rowan University;

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

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

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

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

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

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

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

20

21 ¹**【63.】** 69.¹ Section 1 of P.L.2009, c.308 (C.18A:3B-46) is
22 amended to read as follows:

23 1. As used in this act:

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

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

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

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

35

36 ¹**【64.】** 70.¹ Section 2 of P.L.2007, c.171 (C.18A:26-2.9) is
37 amended to read as follows:

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

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

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

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

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

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

39 (3) assistive technology; and

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

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

43

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

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

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

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

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

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

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

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

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

35 (2) 'nine] seven' public members, ²[who] three of whom²
 36 shall be appointed by the Governor, with the advice and consent of
 37 the Senate, for a five-year term['; except that in the case of the
 38 initial gubernatorial appointments to the board of directors, two
 39 shall serve for a term of two years, one for a term of three years,
 40 one for a term of four years, and one for a term of five years] ²with
 41 one of these members being a resident of the City of Newark; and
 42 four of whom shall be appointed by the Governor without the
 43 advice and consent of the Senate, for a five-year term, except that
 44 upon the expiration of the term of these initial four members
 45 appointed pursuant to P.L. , c. (C.) (pending before the

1 Legislature as this bill), all seven public members appointed by the
2 Governor shall require the advice and consent of the Senate².

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

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

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

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

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

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

33 e. The board shall have the power and duty to ¹exercise general
34 oversight over the affairs of University Hospital to ensure the
35 fulfillment of its mission and to¹:

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

37 (2) borrow money;

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

40 (4) solicit and accept grant moneys;

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

42 (6) sue and be sued;

43 (7) enter into a contract or other agreement with a ¹**[for-profit**
44 or]¹ nonprofit corporation operating one or more hospitals in New
45 Jersey to operate and manage or assist in the operation and
46 management of University Hospital¹**[, without engaging in a**
47 competitive bidding process]¹; and

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

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

4

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

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

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

19

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

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

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

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

5 The President of ²【the University of Medicine and Dentistry of
6 New Jersey】 Rutgers, The State University² and the Commissioner
7 of Human Services shall make the appointments to the consortium
8 within 60 days of the effective date of this act.

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

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

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

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

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

33

34 ¹【70.】 76.¹ Section 5 of P.L.1999, c.353 (C.18A:64G-39) is
35 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19

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

22 2. For the purposes of this act:

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

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

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

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

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

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

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

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

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

27

28 ¹[74.] 80.¹ Section 3 of P.L.1985, c.103 (C.18A:64J-3) is
29 amended to read as follows:

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

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

42

43 ¹[75.] 81.¹ Section 2 of P.L.1985, c.104 (C.18A:64J-9) is
44 amended to read as follows:

45 2. For the purposes of this act:

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

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

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

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

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

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

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

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

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

46

47 ¹[76.] 82.¹ Section 2 of P.L.1985, c.105 (C.18A:64J-16) is
48 amended to read as follows:

1 2. For the purposes of this act:

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

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

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

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

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

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

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

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

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

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

13

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

16 2. For the purposes of this act:

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

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

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

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

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

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

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

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

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

16

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

19 2. For the purposes of this act:

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

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

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

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

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

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

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

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

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

18

19 '【80.】 86.¹ Section 2 of P.L.1985, c.397 (C.18A:64J-39) is
20 amended to read as follows:

21 2. For the purposes of this act:

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

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

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

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

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

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

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

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

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

20

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

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

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

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

27 i. ~~[six]~~ ¹~~[nine]~~ seven¹ of whom shall be appointed by the
 28 Governor of the State, with the advice and consent of the Senate,
 29 ²with one of these members being a resident of Camden County,²
 30 ~~[and]~~ ¹[two of whom shall be from a northern county in the State,]
 31 and one of whom shall be appointed by the Governor upon the
 32 recommendation of President of the Senate and the Speaker of the
 33 General Assembly and who shall be a resident of Essex County,
 34 and¹

35 ii. ~~[five]~~ seven¹ of whom shall be appointed by the board of
 36 trustees, from among their members¹, one of whom shall be a
 37 resident of Essex County and one of whom shall be a resident of
 38 Middlesex County,¹ elected and serving under the provisions of
 39 subsection I.c. or I.d. of 18A:65-15 ¹~~[, and~~

40 iii. the chairperson of the Rutgers-Newark board of
 41 governors]¹.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 g. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41
42 ¹**[83.] 89.** Section 2 of P.L.1969, c.242 (C.18A:66-168) is
43 amended to read as follows:

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

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

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

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

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

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

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

24

25 ¹[84.] 90.¹ Section 3 of P.L.1969, c.242 (C.18A:66-169) is
26 amended to read as follows:

27 3. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19

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

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

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

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

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

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

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

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

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

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

17

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

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

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

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

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

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

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

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

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

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

37

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

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

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

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

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

25

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

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

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

36

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

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

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

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

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

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

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

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

12

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

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

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

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

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

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

15

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

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

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

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

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

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

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

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

41

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

25 ¹[94.] 100.¹ N.J.S.18A:71C-35 is amended to read as follows:

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

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

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

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

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

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

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

9
10 ¹[95.] 101.¹ Section 10 of P.L.2009, c.145 (C.18A:71C-36.1) is
11 amended to read as follows:

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

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

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

35
36 ¹[96.] 102.¹ N.J.S.18A:71C-38 is amended to read as follows:

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

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

16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 "University" means Rutgers, The State University.

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

37

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

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

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

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

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

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

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

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

33

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

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

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

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

4

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

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

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

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

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

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

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

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

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

10

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

13 3. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

18

19 ¹[102.] 108.¹ Section 2 of P.L.1987, c.183 (C.18A:72J-2) is
20 amended to read as follows:

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

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

28

29 ¹[103.] 109.¹ Section 2 of P.L.2007, c.172 (C.26:1A-36.7a) is
30 amended to read as follows:

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

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

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

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

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

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

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

17

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

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

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

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

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

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

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

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

20

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

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

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

38

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

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

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

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

4

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

7

1. As used in this act:

8

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

10

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

16

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

23

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

30

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

37

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

41

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

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

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

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

7
8 ¹[108.] 114.¹ Section 2 of P.L.1986, c.134 (C.26:2N-2) is
9 amended to read as follows:

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

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

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

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

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

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

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

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

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

46
47 ¹[109.] 115.¹ Section 2 of P.L.1999, c.66 (C.26:2U-2) is
48 amended to read as follows:

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

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

15

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

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

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

25

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

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

31 The hotline shall receive and respond to calls from law
32 enforcement officers and sheriff's officers who have been involved
33 in any event or incident which has produced personal or job-related
34 depression, anxiety, stress, or other psychological or emotional
35 tension, trauma, or disorder for the officer and officers who have
36 been wounded in the line of duty. The operators of the hotline shall
37 seek to identify those officers who should be referred to further
38 debriefing and counseling services, and to provide such referrals.
39 In the case of wounded officers, those services may include peer
40 counseling, diffusing, debriefing, group therapy and individual
41 therapy as part of a coordinated assistance program, to be known as
42 the "Blue Heart Law Enforcement Assistance Program," designed
43 and implemented by the **【University of Medicine and Dentistry of**
44 **New Jersey's】** University Behavioral Healthcare Unit of Rutgers,
45 The State University.

46 b. The operators of the hotline shall be trained by the
47 Department of Health and Senior Services and, to the greatest

1 extent possible, shall be persons, who by experience or education,
2 are: (1) familiar with post trauma disorders and the emotional and
3 psychological tensions, depressions, and anxieties unique to law
4 enforcement officers and sheriff's officers; or (2) trained to provide
5 counseling services involving marriage and family life, substance
6 abuse, personal stress management and other emotional or
7 psychological disorders or conditions which may be likely to
8 adversely affect the personal and professional well-being of a law
9 enforcement officer and a sheriff's officer.

10 c. To ensure the integrity of the telephone hotline and to
11 encourage officers to utilize it, the commissioner shall provide for
12 the confidentiality of the names of the officers calling, the
13 information discussed by that officer and the operator, and any
14 referrals for further debriefing or counseling; provided, however,
15 the commissioner may, by rule and regulation, (1) establish
16 guidelines providing for the tracking of any officer who exhibits a
17 severe emotional or psychological disorder or condition which the
18 operator handling the call reasonably believes might result in harm
19 to the officer or others and (2) establish a confidential registry of
20 wounded New Jersey law enforcement officers.

21 (cf: P.L.2008, c.29, s.115)

22
23 ¹[112.] 118.¹Section 10 of P.L.2011, c.210 (C.26:5B-6) is
24 amended to read as follows:

25 10. a. The Department of Health and Senior Services, in
26 consultation with the Medical Society of New Jersey and ~~the~~
27 ~~University of Medicine and Dentistry of New Jersey~~ Rutgers,
28 The State University, shall prepare, and make available on its
29 Internet website, information in English and Spanish, which is
30 designed to be easily understandable by the general public, about
31 the genetic risk factors associated with, and the symptoms and
32 treatment of, sickle cell anemia, in addition to any other information
33 that the Commissioner of Health and Senior Services deems
34 necessary for the purposes of this act. The department shall revise
35 this information whenever new information about sickle cell anemia
36 becomes available.

37 b. The department shall prepare an informational booklet in
38 English and Spanish that contains the information posted on its
39 website pursuant to subsection a. of this section, as funds become
40 available for that purpose. The department shall make a supply of
41 booklets available to all licensed health care facilities engaged in
42 the diagnosis or treatment of sickle cell anemia, as well as to health
43 care professionals, community health centers, members of the
44 public, and social services agencies upon their request.

45 (cf: P.L.2011, c.210, s.10)

46
47 ¹[113.] 119.¹ Section 2 of P.L.2005, c.379 (C.34:11-56.59) is
48 amended to read as follows:

1 2. As used in this act:

2 "Commissioner" means the Commissioner of Labor and
3 Workforce Development or the commissioner's duly authorized
4 representatives.

5 "Building services" means any cleaning or building maintenance
6 work, including but not limited to sweeping, vacuuming, floor
7 cleaning, cleaning of rest rooms, collecting refuse or trash, window
8 cleaning, engineering, securing, patrolling, or other work in
9 connection with the care, securing, or maintenance of an existing
10 building, except that "building services" shall not include any
11 maintenance work or other public work for which a contractor is
12 required to pay the "prevailing wage" as defined in section 2 of
13 P.L.1963, c.150 (C.34:11-56.26).

14 "Leased by the State" means that not less than 55% of the
15 property or premises is leased by the State, provided that the portion
16 of the property or premises that is leased by the State measures
17 more than 20,000 square feet.

18 "Prevailing wage for building services" means the wage and
19 benefit rates designated by the commissioner based on the
20 determinations made by the General Services Administration
21 pursuant to the federal "Service Contract Act of 1965" (41 U.S.C.
22 s.351 et seq.), for the appropriate localities and classifications of
23 building service employees.

24 "The State" means the State of New Jersey and all of its
25 departments, bureaus, boards, commissions, agencies and
26 instrumentalities, including any State institutions of higher
27 education, but does not include political subdivisions.

28 "State institutions of higher education," means Rutgers, The
29 State University of New Jersey [, the University of Medicine and
30 Dentistry of New Jersey] Rowan University, and the New Jersey
31 Institute of Technology, and any of the State colleges or universities
32 established pursuant to chapter 64 of Title 18A of the New Jersey
33 Statutes, but does not include any county college established
34 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.
35 (cf: P.L.2005, c.379, s.2)

36

37 ¹[114.] 120.¹ Section 1 of P.L.2011, c.116 (C.38A:13-10) is
38 amended to read as follows:

39 1. a. The Legislature finds and declares that the Department of
40 Military and Veterans' Affairs, in conjunction with [the University
41 of Medicine and Dentistry] Rutgers, The State University of New
42 Jersey, has established a veteran to veteran peer support program
43 telephone helpline. The helpline receives and responds to calls
44 from veterans, servicemembers, and their families. It provides them
45 with access to a comprehensive mental health provider network of
46 mental health professionals specializing in post traumatic stress

1 disorder and other veterans issues. All services are free and
2 confidential.

3 b. Since its inception, the helpline has fielded over 6,000 calls
4 from veterans and their families and based on prior statistics, a 10%
5 increase in calls has been projected.

6 c. The helpline is funded through an allocation from a State
7 appropriation for post traumatic stress disorder. It is appropriate
8 that the helpline have a separate annual appropriation.

9 (cf: P.L.2011, c.116, s.1)

10

11 '115.] 121.' Section 2 of P.L.2011, c.116 (C.38A:13-11) is
12 amended to read as follows:

13 2. a. The Department of Military and Veterans' Affairs shall
14 establish, in coordination with University Behavioral HealthCare of
15 **【the University of Medicine and Dentistry】** Rutgers, The State
16 University of New Jersey, a toll free veteran to veteran peer support
17 helpline.

18 b. The helpline shall be accessible 24 hours a day seven days
19 per week and shall respond to calls from veterans, servicemembers
20 and their families. The operators of the helpline shall seek to
21 identify the veterans, servicemembers and their families who should
22 be referred to further peer support and counseling services, and
23 provide referrals.

24 c. The operators of the helpline shall be trained by University
25 Behavioral Healthcare of **【the University of Medicine and**
26 **Dentistry】** Rutgers, The State University of New Jersey and, to the
27 greatest extent possible, shall be trained veterans or mental health
28 professionals with military service expertise and (1) familiar with
29 post traumatic stress disorder, traumatic brain injury and the
30 emotional and psychological tensions, depressions, and anxieties
31 unique to veterans, servicemembers, and their families or (2)
32 trained to provide counseling services involving marriage and
33 family life, substance abuse, personal stress management and other
34 emotional or psychological disorders or conditions which may be
35 likely to adversely affect the personal and service related well-being
36 of veterans, servicemembers, and their families.

37 d. The Department of Military and Veterans' Affairs and **【the**
38 **University of Medicine and Dentistry】** Rutgers, The State
39 University of New Jersey shall provide for the confidentiality of the
40 names of the persons calling, the information discussed, and any
41 referrals for further peer support or counseling; provided, however,
42 the Department of Military and Veterans' Affairs and **【the**
43 **University of Medicine and Dentistry】** Rutgers, The State
44 University of New Jersey may establish guidelines providing for the
45 tracking of any person who exhibits a severe emotional or
46 psychological disorder or condition which the operator handling the

1 call reasonably believes might result in harm to the veteran or
2 servicemember or any other person.

3 (cf: P.L.2011, c.116, s.2)

4

5 '【116.】 122.' Section 3 of P.L.2011, c.116 (C.38A:13-12) is
6 amended to read as follows:

7 3. University Behavioral Healthcare of 【the University of
8 Medicine and Dentistry】 Rutgers, The State University of New
9 Jersey shall maintain a list of credentialed military-oriented
10 behavioral healthcare providers throughout the State of New Jersey.
11 Case management services shall also be provided to ensure that
12 veterans, service members, and their families receive ongoing
13 counseling throughout all pre and post deployment events in New
14 Jersey. The continuum of services shall utilize the National Yellow
15 Ribbon guidelines while providing ongoing peer support
16 customized for each branch of military service.

17 (cf: P.L.2011, c.116, s.3)

18

19 '【117.】 123.' Section 4 of P.L.2011, c.116 (C.38A:13-13) is
20 amended to read as follows:

21 4. In establishing the helpline authorized under the provisions
22 of section 2 of this act, P.L.2011, c.116 (C.38A:13-11) the Adjutant
23 General of the Department of Military and Veterans' Affairs and
24 University Behavioral Healthcare of 【the University of Medicine
25 and Dentistry】 Rutgers, The State University of New Jersey shall
26 consult on a quarterly basis with the New Jersey Division of Mental
27 Health Services within the Department of Human Services, the
28 United States Department of Veterans' Affairs, the New Jersey
29 Veterans Healthcare Network, at least two New Jersey Veteran
30 Centers, and at least two State recognized veteran groups.

31 (cf: P.L.2011, c.116, s.4)

32

33 '【118.】 124.' Section 25 of P.L.1954, c.84 (C.43:15A-25) is
34 amended to read as follows:

35 25. a. The annuity savings fund shall be the fund in which shall
36 be credited accumulated deductions and contributions by members
37 or on their behalf to provide for their allowances. A single account
38 shall be established in this fund for each person who is or shall
39 become a member and all contributions deducted from each such
40 member's compensation shall be credited to this single account.

41 b. (1) Members enrolled in the retirement system on or after
42 July 1, 1994 shall contribute 5% of compensation to the system.
43 Members enrolled in the system prior to July 1, 1994 shall
44 contribute 5% of compensation to the system effective with the
45 payroll period for which the beginning date is closest to July 1,
46 1995, provided, however, that any member enrolled before July 1,
47 1994, whose full contribution rate under the system prior to the

1 revisions by this act was less than 6%, shall pay 4% of
2 compensation to the system effective with the payroll period for
3 which the beginning date is closest to July 1, 1995, and 5% of
4 compensation to the system effective with the payroll period for
5 which the beginning date is closest to July 1, 1996.

6 (2) Members enrolled in the retirement system on or after July
7 1, 2007 who are:

8 employees of the State, other than employees of the Judicial
9 Branch;

10 employees of an independent State authority, board, commission,
11 corporation, agency or organization;

12 employees of a local school district, regional school district,
13 county vocational school district, county special services school
14 district, jointure commission, educational services commission,
15 State-operated school district, charter school, county college, any
16 officer, board, or commission under the authority of the
17 Commissioner of Education or of the State Board of Education, and
18 any other public entity which is established pursuant to authority
19 provided by Title 18A of the New Jersey Statutes; or

20 employees of a State public institution of higher education [,
21 other than employees of the University of Medicine and Dentistry
22 of New Jersey] shall contribute 5.5% of compensation to the
23 system, and all such members described above enrolled in the
24 system prior to July 1, 2007 shall contribute 5.5% of compensation
25 to the system effective with the payroll period for which the
26 beginning date is closest to July 1, 2007.

27 Members enrolled in the retirement system on or after July 1,
28 2008, other than those described in the paragraph above, shall
29 contribute 5.5% of compensation to the system. Members enrolled
30 in the system prior to July 1, 2008, other than those described in the
31 paragraph above, shall contribute 5.5% of compensation to the
32 system effective with the payroll period that begins immediately
33 after July 1, 2008.

34 (3) Members of the retirement system shall contribute 6.5% of
35 compensation to the system on and after the effective date of
36 P.L.2011, c.78, with an additional contribution of 1% to be phased
37 in in equal increments over a period of seven years commencing
38 with the first year following that effective date.

39 c. The retirement system shall certify to each State department
40 or subdivision thereof, and to each branch of the State service not
41 included in a State department, and to every other employer, the
42 proportion of each member's compensation to be deducted and to
43 facilitate the making of deductions the retirement system may
44 modify the deduction required by a member by such an amount as
45 shall not exceed 1/10 of 1% of the compensation upon the basis of
46 which the deduction is to be made.

47 If payment in full, representing the monthly or biweekly
48 transmittal and report of salary deductions, is not made within 15

1 days of the due date established by the retirement system, interest at
2 the rate of 6% per annum shall commence to run against the total
3 transmittal of salary deductions for the period on the first day after
4 such fifteenth day.

5 d. Every employee to whom this act applies shall be deemed to
6 consent and agree to any deduction from his compensation required
7 by this act and to all other provisions of this act. Notwithstanding
8 any other law, rule or regulation affecting the salary, pay,
9 compensation, other perquisites, or tenure of a person to whom this
10 act applies, or shall apply, and notwithstanding that the minimum
11 salary, pay, or compensation or other perquisites provided by law
12 for him shall be reduced thereby, payment, less such deductions,
13 shall be a full and complete discharge and acquittance of all claims
14 and demands for service rendered by him during the period covered
15 by such payment.

16 (cf: P.L.2011, c.78, s.10)

17

18 '【119.】 125.' Section 3 of P.L.1948, c.110 (C.43:21-27) is
19 amended to read as follows:

20 3. As used in this act, unless the context clearly requires
21 otherwise:

22 (a) (1) "Covered employer" means, with respect to whether an
23 employer is required to provide benefits during an employee's own
24 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any
25 individual or type of organization, including any partnership,
26 association, trust, estate, joint-stock company, insurance company
27 or corporation, whether domestic or foreign, or the receiver, trustee
28 in bankruptcy, trustee or successor thereof, or the legal
29 representative of a deceased person, who is an employer subject to
30 the "unemployment compensation law" (R.S.43:21-1 et seq.),
31 except the State, its political subdivisions, and any instrumentality
32 of the State unless such governmental entity elects to become a
33 covered employer pursuant to paragraph (2) of this subsection (a);
34 provided, however, that commencing with the effective date of this
35 act, the State of New Jersey, including Rutgers, The State
36 University 【, the University of Medicine and Dentistry of New
37 Jersey】 and the New Jersey Institute of Technology, shall be
38 deemed a covered employer, as defined herein.

39 "Covered employer" means, after June 30, 2009, with respect to
40 whether the employer is an employer whose employees are eligible
41 for benefits during periods of family temporary disability leave
42 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December
43 31, 2008, whether employees of the employer are required to make
44 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual
45 or type of organization, including any partnership, association,
46 trust, estate, joint-stock company, insurance company or domestic
47 or foreign corporation, or the receiver, trustee in bankruptcy, trustee
48 or successor thereof, or the legal representative of a deceased

1 person, who is an employer subject to the "unemployment
2 compensation law" (R.S.43:21-1 et seq.), including any
3 governmental entity or instrumentality which is an employer under
4 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or
5 instrumentality has not elected to be a covered employer pursuant to
6 paragraph (2) of this subsection (a).

7 (2) Any governmental entity or instrumentality which is an
8 employer under R.S.43:21-19(h)(5) may, with respect to the
9 provision of benefits during an employee's own disability pursuant
10 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered
11 employer" under this subsection beginning with the date on which
12 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of
13 any year thereafter by filing written notice of such election with the
14 division within at least 30 days of the effective date. Such election
15 shall remain in effect for at least two full calendar years and may be
16 terminated as of January 1 of any year thereafter by filing with the
17 division a written notice of termination at least 30 days prior to the
18 termination date.

19 (b) (1) "Covered individual" means, with respect to whether an
20 individual is eligible for benefits during an individual's own
21 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any
22 person who is in employment, as defined in the "unemployment
23 compensation law" (R.S.43:21-1 et seq.), for which the individual is
24 entitled to remuneration from a covered employer, or who has been
25 out of such employment for less than two weeks, except that a
26 "covered individual" who is employed by the State of New Jersey,
27 including Rutgers, The State University [, the University of
28 Medicine and Dentistry of New Jersey and] or the New Jersey
29 Institute of Technology, or by any governmental entity or
30 instrumentality which elects to become a "covered employer"
31 pursuant to this amendatory act, shall not be eligible to receive any
32 benefits under the "Temporary Disability Benefits Law" until such
33 individual has exhausted all sick leave accumulated as an employee
34 in the classified service of the State or accumulated under terms and
35 conditions similar to classified employees or accumulated under the
36 terms and conditions pursuant to the laws of this State or as the
37 result of a negotiated contract with any governmental entity or
38 instrumentality which elects to become a "covered employer."

39 "Covered individual" shall not mean, with respect to whether an
40 individual is eligible for benefits during an individual's own
41 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any
42 member of the Division of State Police in the Department of Law
43 and Public Safety.

44 (2) "Covered individual" means, with respect to whether an
45 individual is eligible for benefits during the individual's period of
46 family temporary disability leave pursuant to P.L.1948, c.110
47 (C.43:21-25 et al.), any individual who is in employment, as
48 defined in the "unemployment compensation law" (R.S.43:21-1 et

1 seq.), for which the individual is entitled to remuneration from a
2 covered employer, or who has been out of that employment for less
3 than two weeks.

4 (c) "Division" or "commission" means the Division of
5 Temporary Disability Insurance of the Department of Labor and
6 Workforce Development, and any transaction or exercise of
7 authority by the director of the division shall be deemed to be
8 performed by the division.

9 (d) "Day" shall mean a full calendar day beginning and ending
10 at midnight.

11 (e) "Disability" shall mean such disability as is compensable
12 under section 5 of P.L.1948, c.110 (C.43:21-29).

13 (f) "Disability benefits" shall mean any cash payments which
14 are payable to a covered individual for all or part of a period of
15 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

16 (g) "Period of disability" with respect to any covered individual
17 shall mean:

18 (1) The entire period of time during which the covered
19 individual is continuously and totally unable to perform the duties
20 of the covered individual's employment because of the covered
21 individual's own disability, except that two periods of disability due
22 to the same or related cause or condition and separated by a period
23 of not more than 14 days shall be considered as one continuous
24 period of disability; provided the individual has earned wages
25 during such 14-day period with the employer who was the
26 individual's last employer immediately preceding the first period of
27 disability; and

28 (2) On or after July 1, 2009, the entire period of family
29 temporary disability leave taken from employment by the covered
30 individual.

31 (h) "Wages" shall mean all compensation payable by covered
32 employers to covered individuals for personal services, including
33 commissions and bonuses and the cash value of all compensation
34 payable in any medium other than cash.

35 (i) (1) (Deleted by amendment, P.L.2001, c.17).

36 (2) (Deleted by amendment, P.L.2001, c.17).

37 (3) "Base week" with respect to periods of disability
38 commencing on or after October 1, 1985 and before January 1,
39 2001, means any calendar week during which a covered individual
40 earned in employment from a covered employer remuneration equal
41 to not less than 20% of the Statewide average weekly wage
42 determined under subsection (c) of R.S.43:21-3, which shall be
43 adjusted to the next higher multiple of \$1.00 if not already a
44 multiple thereof.

45 (4) "Base week" with respect to periods of disability
46 commencing on or after January 1, 2001, means any calendar week
47 of a covered individual's base year during which the covered
48 individual earned in employment from a covered employer

1 remuneration not less than an amount 20 times the minimum wage
2 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on
3 October 1 of the calendar year preceding the calendar year in which
4 the benefit year commences, which amount shall be adjusted to the
5 next higher multiple of \$1.00 if not already a multiple thereof,
6 except that if in any calendar week an individual subject to this
7 paragraph is in employment with more than one employer, the
8 covered individual may in that calendar week establish a base week
9 with respect to each of the employers from whom the covered
10 individual earns remuneration equal to not less than the amount
11 defined in this paragraph during that week.

12 (j) (1) "Average weekly wage" means the amount derived by
13 dividing a covered individual's total wages earned from the
14 individual's most recent covered employer during the base weeks in
15 the eight calendar weeks immediately preceding the calendar week
16 in which a period of disability commenced, by the number of such
17 base weeks.

18 (2) If the computation in paragraph (1) of this subsection (j)
19 yields a result which is less than the individual's average weekly
20 earnings in employment with all covered employers during the base
21 weeks in such eight calendar weeks, then the average weekly wage
22 shall be computed on the basis of earnings from all covered
23 employers during the base weeks in the eight calendar weeks
24 immediately preceding the week in which the period of disability
25 commenced.

26 (3) For periods of disability commencing on or after July 1,
27 2009, if the computations in paragraphs (1) and (2) of this
28 subsection (j) both yield a result which is less than the individual's
29 average weekly earnings in employment with all covered employers
30 during the base weeks in the 26 calendar weeks immediately
31 preceding the week in which the period of disability commenced,
32 then the average weekly wage shall, upon a written request to the
33 department by the individual on a form provided by the department,
34 be computed by the department on the basis of earnings from all
35 covered employers of the individual during the base weeks in those
36 26 calendar weeks, and, in the case of a claim for benefits from a
37 private plan, that computation of the average weekly wage shall be
38 provided by the department to the individual and the individual's
39 employer.

40 When determining the "average weekly wage" with respect to a
41 period of family temporary disability leave for an individual who
42 has a period of family temporary disability immediately after the
43 individual has a period of disability for the individual's own
44 disability, the period of disability is deemed to have commenced at
45 the beginning of the period of disability for the individual's own
46 disability, not the period of family temporary disability.

47 (k) "Child" means a biological, adopted, or foster child,
48 stepchild or legal ward of a covered individual, child of a domestic

1 partner of the covered individual, or child of a civil union partner of
2 the covered individual, who is less than 19 years of age or is 19
3 years of age or older but incapable of self-care because of mental or
4 physical impairment.

5 (l) "Domestic partner" means a domestic partner as defined in
6 section 3 of P.L.2003, c.246 (C.26:8A-3).

7 (m) "Civil union" means a civil union as defined in section 2 of
8 P.L.2006, c.103 (C.37:1-29).

9 (n) "Family member" means a child, spouse, domestic partner,
10 civil union partner or parent of a covered individual.

11 (o) "Family temporary disability leave" means leave taken by a
12 covered individual from work with an employer to (1) participate in
13 the providing of care, as defined in the "Family Leave Act,"
14 P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted
15 pursuant to that act, for a family member of the individual made
16 necessary by a serious health condition of the family member; or (2)
17 be with a child during the first 12 months after the child's birth, if
18 the individual, or the domestic partner or civil union partner of the
19 individual, is a biological parent of the child, or the first 12 months
20 after the placement of the child for adoption with the individual.
21 "Family temporary disability leave" does not include any period of
22 time in which a covered individual is paid benefits pursuant to
23 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable
24 to perform the duties of the individual's employment due to the
25 individual's own disability.

26 (p) "Health care provider" means a health care provider as
27 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et
28 seq.), and any regulations adopted pursuant to that act.

29 (q) "Parent of a covered individual" means a biological parent,
30 foster parent, adoptive parent, or stepparent of the covered
31 individual or a person who was a legal guardian of the covered
32 individual when the covered individual was a child.

33 (r) "Placement for adoption" means the time when a covered
34 individual adopts a child or becomes responsible for a child pending
35 adoption by the covered individual.

36 (s) "Serious health condition" means an illness, injury,
37 impairment or physical or mental condition which requires:
38 inpatient care in a hospital, hospice, or residential medical care
39 facility; or continuing medical treatment or continuing supervision
40 by a health care provider.

41 (t) "12-month period" means, with respect to an individual who
42 establishes a valid claim for disability benefits during a period of
43 family temporary disability leave, the 365 consecutive days that
44 begin with the first day that the individual first establishes the
45 claim.

46 (cf: P.L.2008, c.17, s.2)

1 '【120.】 126.¹ Section 22 of P.L.1948, c.110 (C.43:21-46) is
2 amended to read as follows:

3 22. State disability benefits fund. (a) The State disability
4 benefits fund, hereinafter referred to as the fund, is hereby
5 established. The fund shall remain in the custody of the State
6 Treasurer, and to the extent of its cash requirements shall be
7 deposited in authorized public depositories in the State of New
8 Jersey. There shall be deposited in and credited to the fund the
9 amount of worker and employer contributions provided under
10 subparagraph (G) of paragraph (1) of subsection (d) of R.S.43:21-7
11 and subsection (e) of R.S.43:21-7, less refunds authorized by the
12 chapter (R.S.43:21-1 et seq.) to which this act is a supplement, and
13 the entire amount of interest and earnings from investments of the
14 fund, and all assessments, fines and penalties collected under this
15 act. The fund shall be held in trust for the payment of disability
16 benefits pursuant to this act, for the payment of benefits pursuant to
17 subsection (f) of R.S.43:21-4, and for the payment of any
18 authorized refunds of contributions. All warrants for the payment
19 of benefits shall be issued by and bear only the signature of the
20 Director of the Division of Unemployment and Temporary
21 Disability Insurance or his duly authorized agent for that purpose.
22 All other moneys withdrawn from the fund shall be upon warrant
23 signed by the State Treasurer and countersigned by the Director of
24 the Division of Unemployment and Temporary Disability Insurance
25 of the Department of Labor of the State of New Jersey. The
26 Treasurer shall maintain books, records and accounts for the fund,
27 appoint personnel and fix their compensation within the limits of
28 available appropriations. The expenses of the Treasurer in
29 administering the fund and its accounts shall be charged against the
30 administration account, as hereinafter established. A separate
31 account, to be known as the administration account, shall be
32 maintained in the fund, and there shall be credited to such account
33 an amount determined to be sufficient for proper administration, not
34 to exceed, however, 1/10 of 1% of the wages with respect to which
35 current contributions are payable into the fund, and the entire
36 amount of any assessments against covered employers, as
37 hereinafter provided, for costs of administration prorated among
38 approved private plans. The costs of administration of this act,
39 including R.S.43:21-4(f), shall be charged to the administration
40 account.

41 (b) A further separate account, to be known as the unemployment
42 disability account, shall be maintained in the fund. Such account
43 shall be charged with all benefit payments under R.S.43:21-4(f).

44 Prior to July 1 of each calendar year, the Division of
45 Unemployment and Temporary Disability Insurance of the
46 Department of Labor of the State of New Jersey shall determine the
47 average rate of interest and other earnings on all investments of the
48 State disability benefits fund for the preceding calendar year. An

1 amount equal to the sum of the amounts withdrawn from the
2 unemployment trust fund pursuant to section 23 hereof multiplied
3 by such average rate shall be determined by the division and
4 credited to the unemployment disability account as of the end of the
5 preceding calendar year.

6 If the unemployment disability account shall show an
7 accumulated deficit in excess of \$200,000.00 at the end of any
8 calendar year after interest and other earnings have been credited as
9 provided hereinabove, the division shall determine the ratio of such
10 deficit to the total of all taxable wages paid during the preceding
11 calendar year, and shall make an assessment against all employers
12 in an amount equal to the taxable wages paid by them during such
13 preceding calendar year to employees, multiplied by such ratio, but
14 in no event shall any such assessment exceed 1/10 or 1% of such
15 wages; provided, however, that the assessment made against the
16 State (including Rutgers, The State University [, the University of
17 Medicine and Dentistry of New Jersey] and the New Jersey
18 Institute of Technology) shall not exceed the sum of all benefits
19 paid under the provisions of R.S.43:21-4(f) as the result of
20 employment with the State. Such amounts shall be collectible by
21 the division in the same manner as provided for the collection of
22 employee contributions under this chapter (R.S.43:21-1 et seq.). In
23 making this assessment, the division shall furnish to each affected
24 employer a brief summary of the determination thereof. The
25 amount of such assessments collected by the division shall be
26 credited to the unemployment disability account.

27 As used in this section, "taxable wages" shall mean wages with
28 respect to which employer contributions have been paid or are
29 payable pursuant to subsections (a), (b) and (c) of R.S.43:21-7.

30 (c) A board of trustees, consisting of the State Treasurer, the
31 Secretary of State, the Commissioner of Labor and Industry, the
32 director of the division, and the State Comptroller, is hereby
33 created. The board shall invest and reinvest all moneys in the fund
34 in excess of its cash requirements, and such investments shall be
35 made in obligations legal for savings banks; provided, however, that
36 the provisions of this subsection shall in all respects be subject to
37 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.).

38 (d) There is hereby appropriated, to be paid out of the fund, such
39 amounts as may from time to time be required for the payment of
40 disability benefits, and such amounts as may be required each year,
41 as contained in the annual appropriation act, for the administration
42 of this act, including R.S.43:21-4(f).

43 (cf: P.L.1994, c.112, s.3)

44

45 '【121.】 127.' Section 2 of P.L.1999, c.201 (C.52:9E-2) is
46 amended to read as follows:

47 2. As used in this act:

- 1 a. "Approved research project" means a peer reviewed
2 scientific research project, which is approved by the commission
3 and which focuses on the treatment and cure of spinal cord injuries
4 and diseases that damage the spinal cord.
- 5 b. "Commission" means the New Jersey Commission on
6 Spinal Cord Research established pursuant to this act.
- 7 c. "Institutional support services" means all services, facilities,
8 equipment, personnel and expenditures associated with the creation
9 and maintenance of approved research projects.
- 10 d. "Qualifying research institution" means [the University of
11 Medicine and Dentistry of New Jersey;] ¹Rowan University;
12 Rutgers, The State University; Princeton University; the Kessler
13 Medical Rehabilitation Research and Education Corporation; the
14 Coriell Institute for Medical Research; and any other research
15 institution in the State approved by the commission.
16 (cf: P.L.1999, c.201, s.2)

17

18 ¹[122.] 128.¹ Section 3 of P.L.1999, c.201 (C.52:9E-3) is
19 amended to read as follows:

20 3. a. There is established in the Executive Branch of the State
21 government, the New Jersey Commission on Spinal Cord Research.
22 For the purposes of complying with the provisions of Article V,
23 Section IV, paragraph 1 of the New Jersey Constitution, the
24 commission is allocated within the Department of Health and
25 Senior Services, but notwithstanding that allocation, the
26 commission shall be independent of any supervision or control by
27 the department or by any board or officer thereof.

28 b. The commission shall consist of [11] ¹[~~10~~] 11¹ members,
29 including the Commissioner of Health and Senior Services, or his
30 designee, who shall serve ex officio; [one representative of the
31 University of Medicine and Dentistry of New Jersey;] ¹one
32 representative of Rowan University;¹ one representative of Rutgers,
33 The State University; one representative of the federally designated
34 Spinal Cord Injury Model System; one representative from the
35 American Paralysis Association; and six public members who are
36 residents of the State knowledgeable about spinal cord injuries and
37 who include at least one physician licensed in this State and at least
38 one person with a spinal cord injury. The members shall be
39 appointed by the Governor with the advice and consent of the
40 Senate.

41 c. The term of office of each appointed member shall be three
42 years, but of the members first appointed, three shall be appointed
43 for a term of one year, four for terms of two years, and three for
44 terms of three years. All vacancies shall be filled for the balances of
45 the unexpired terms in the same manner as the original
46 appointments. Appointed members are eligible for reappointment

1 upon the expiration of their terms. A member shall continue to
2 serve upon the expiration of his term until a successor is appointed.

3 The members of the commission shall not receive compensation
4 for their services, but shall be reimbursed for the actual and
5 necessary expenses incurred in the performance of their duties as
6 members of the commission.

7 (cf: P.L.1999, c.201, s.3)

8

9 ¹['123.] 129.¹ Section 2 of P.L.2003, c.200 (C.52:9EE-2) is
10 amended to read as follows:

11 2. As used in this act:

12 "Approved research project" means a scientific research project,
13 which is approved by the commission and which focuses on the
14 treatment and cure of brain injuries.

15 "Commission" means the New Jersey State Commission on Brain
16 Injury Research established pursuant to this act.

17 "Institutional support services" means all services, facilities,
18 equipment, personnel and expenditures associated with the creation
19 and maintenance of approved research projects.

20 "Qualifying research institution" means [the University of
21 Medicine and Dentistry of New Jersey and] Rutgers, The State
22 University of New Jersey¹, Rowan University,¹ and any other
23 institution approved by the commission, which is conducting an
24 approved research project.

25 (cf: P.L.2003, c.200, s.2)

26

27 ¹['124.] 130.¹ Section 3 of P.L.2003, c.200 (C.52:9EE-3) is
28 amended to read as follows:

29 3. a. There is established in the Executive Branch of the State
30 government, the New Jersey State Commission on Brain Injury
31 Research. For the purposes of complying with the provisions of
32 Article V, Section IV, paragraph 1 of the New Jersey Constitution,
33 the commission is allocated within the Department of Health and
34 Senior Services, but notwithstanding that allocation, the
35 commission shall be independent of any supervision or control by
36 the department or by any board or officer thereof.

37 b. The commission shall consist of [11] ¹['10] 11¹ members,
38 including the Commissioner of Health and Senior Services, or his
39 designee, who shall serve ex officio; [one representative of the
40 University of Medicine and Dentistry of New Jersey;] one
41 representative of Rutgers, The State University of New Jersey; ¹one
42 representative of Rowan University;¹ six public members,
43 appointed by the Governor with the advice and consent of the
44 Senate, one of whom shall be a licensed physician in this State and
45 one of whom shall be a person with a brain injury; and two public
46 members, one of whom shall be appointed by the President of the
47 Senate and one of whom shall be appointed by the Speaker of the

1 General Assembly. All public members shall be residents of the
2 State or otherwise associated with the State, and shall be known for
3 their knowledge, competence, experience or interest in brain injury
4 medical research.

5 c. The term of office of each public member shall be three
6 years, but of the members first appointed, three shall be appointed
7 for terms of one year, three for terms of two years, and two for
8 terms of three years. All vacancies shall be filled for the balances of
9 the unexpired terms in the same manner as the original
10 appointments. Appointed members are eligible for reappointment
11 upon the expiration of their terms. A member shall continue to
12 serve upon the expiration of his term until a successor is appointed.

13 The members of the commission shall not receive compensation
14 for their services, but shall be reimbursed for the actual and
15 necessary expenses incurred in the performance of their duties as
16 members of the commission.

17 (cf: P.L.2003, c.200, s.3)

18

19 ¹[125.] 131.¹ Section 3 of P.L.1983, c.6 (C.52:9U-3) is amended
20 to read as follows:

21 3. As used in this act:

22 a. "Approved research project" means a scientific research
23 project, which is approved by the commission and which focuses on
24 the genetic, biochemical, viral, microbiological and environmental
25 causes of cancer, and may include, but is not limited to, behavioral,
26 socio-economic, demographic and psychosocial research or research
27 into methods of clinical treatment; or which focuses on pain
28 management and palliative care for persons diagnosed with cancer.

29 b. "Commission" means the New Jersey State Commission on
30 Cancer Research established pursuant to this act.

31 c. "Institutional support services" means all services, facilities,
32 equipment, personnel and expenditures associated with the creation
33 and maintenance of approved research projects.

34 d. "Qualifying research institution" means the ¹Coriell¹
35 Institute for Medical Research in Camden, New Jersey, **[**the
36 University of Medicine and Dentistry of New Jersey,**]** Rutgers--The
37 State University, ¹Rowan University,¹ Princeton University and any
38 other institution approved by the commission, which is conducting
39 an approved research project.

40 (cf: P.L.2000, c.63, s.1)

41

42 ¹[126.] 132.¹ Section 2 of P.L.2008, c.85 (C.52:16A-100) is
43 amended to read as follows:

44 2. a. The Ellis Island Advisory Commission is hereby created
45 and established in the Executive Branch of the State Government.
46 For the purposes of complying with the provisions of Article V,

1 Section IV, paragraph 1, of the New Jersey Constitution, the
2 commission is allocated within the Department of State.

3 The commission shall consist of **[20]** 19 voting members, as
4 follows:

5 (1) a representative of the Governor's office, the Secretary of
6 State or a designee, the State Treasurer or a designee, the Attorney
7 General or a designee, the Commissioner of Environmental
8 Protection or a designee, the Commissioner of Education or a
9 designee, the Executive Director of the New Jersey Commerce
10 Commission or a designee, the Commissioner of Health and Senior
11 Services or a designee, the Commissioner of Transportation or a
12 designee, the New Jersey State representative of the National Trust
13 for Historic Preservation or a designee, and the President of Save
14 Ellis Island, Inc. or a designee, each serving ex officio;

15 (2) four members of the Legislature, of whom one shall be
16 appointed by the Senate President, one by the Senate Minority
17 Leader, one by the Speaker of the General Assembly and one by the
18 Minority Leader of the General Assembly. Legislators appointed to
19 the commission shall serve as members thereof for terms co-
20 extensive with their respective terms as members of the Houses of
21 the Legislature from which they were appointed; and

22 (3) **[five]** four members shall be appointed by the Governor,
23 with the advice and consent of the Senate, of whom one shall be a
24 representative of Rutgers, the State University of New Jersey,
25 chosen with expertise in immigration issues, **[and one shall be a**
26 **representative of the University of Medicine and Dentistry of New**
27 **Jersey, chosen with expertise in public health issues,]** and three
28 shall be members of the public, chosen with due regard for their
29 knowledge of the role of Ellis Island in American history, including
30 one member with expertise in the hospitality industry and one
31 member with expertise in the development industry. No public
32 members shall hold elective office.

33 b. Each public member of the commission shall serve for a
34 term of three years, except that of the initial members so appointed:
35 one member shall serve for one year, two members shall serve for
36 two years, and two members shall serve for three years. Public
37 members shall be eligible for reappointment. They shall serve until
38 their successors are appointed and qualified, and the term of any
39 successor of any incumbent shall be calculated from the expiration
40 of the term of that incumbent. A vacancy occurring other than by
41 expiration of the term shall be filled in the same manner as the
42 original appointment but for the unexpired term only. Public
43 members may be removed by the Governor for cause.

44 c. The members of the commission shall serve without
45 compensation but shall be reimbursed for necessary expenses
46 incurred in the performance of their duties subject to the availability
47 of funds.

1 d. The Secretary of State, or a designee, shall serve as chair,
2 and the members of the commission shall elect annually one of the
3 public members to serve as vice-chair. The chair may appoint a
4 secretary, who need not be a member of the commission. The
5 presence of a majority of the full membership of the commission
6 shall be required for the conduct of official business.

7 e. The commission shall meet at the call of the chair. The
8 commission shall hold at least two meetings annually which shall
9 be held at the State capitol and at such other times and places as the
10 commission may deem expedient, including on Ellis Island.

11 (cf: P.L.2008, c.85, s.2)

12
13 '【127.】 133.' Section 12 of P.L.1978, c.39 (C.52:18A-174) is
14 amended to read as follows:

15 12. Subject to the independent approval of the State Treasurer,
16 the board may authorize the transfer of funds necessary to permit
17 individuals employed at 【the University of Medicine and Dentistry
18 of New Jersey,】 the New Jersey Institute of Technology, Rutgers,
19 The State University, Rowan University, and any other agency,
20 authority, commission, or instrumentality of State government
21 which has an independent corporate existence, to participate in the
22 plan.

23 (cf: P.L.1985, c.449, s.1)

24
25 '【128.】 134.' Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is
26 amended to read as follows:

27 1. The Director of the Division of Purchase and Property may,
28 by joint action, purchase any articles used or needed by the State
29 and the Palisades Interstate Park Commission, the New Jersey
30 Highway Authority, the New Jersey Turnpike Authority, the
31 Delaware River Joint Toll Bridge Commission, the Port Authority
32 of New York and New Jersey, the South Jersey Port Corporation,
33 the Passaic Valley Sewerage Commission, the Delaware River Port
34 Authority, Rutgers, The State University, 【the University of
35 Medicine and Dentistry of New Jersey】 Rowan University, the
36 New Jersey Sports and Exposition Authority, the New Jersey
37 Housing Finance Agency, the New Jersey Mortgage Finance
38 Authority, the New Jersey Health Care Facilities Financing
39 Authority, the New Jersey Education Facilities Authority, the New
40 Jersey Economic Development Authority, the South Jersey
41 Transportation Authority, the Hackensack Meadowlands
42 Development Commission, the New Jersey Water Supply
43 Authority, the Higher Education Student Assistance Authority or
44 any other agency, commission, board, authority or other such
45 governmental entity which is established and is allocated to a State

1 department or any bi-state governmental entity of which the State of
2 New Jersey is a member.

3 (cf: P.L.1999, c.440, s.89)

4

5 '【129.】 135.' Section 2 of P.L.2005, c.373 (C.52:27C-97) is
6 amended to read as follows:

7 2. The Foundation for Technology Advancement shall be
8 governed by a ~~【23-member】~~ 22-member board of trustees who are
9 appointed as follows:

10 a. The Executive Director of the New Jersey Commerce
11 Commission; the Executive Director of the New Jersey Economic
12 Development Authority; the Executive Director of the New Jersey
13 Commission on Science and Technology; and the Chief Technology
14 Officer in the Office of Information Technology; or their designees,
15 all of whom shall serve ex officio;

16 b. A faculty member appointed by the president of each of the
17 following academic institutions: The New Jersey Institute of
18 Technology; Rutgers, the State University; ~~【The University of
19 Medicine and Dentistry of New Jersey;】~~ and Princeton University,
20 all of whom shall serve ex officio; and

21 c. Fifteen public members appointed by the Governor as
22 follows: a representative of each of the following organizations: the
23 New Jersey Technology Council, the Biotechnology Council of
24 New Jersey, the Forum for Academicians, Scientists and
25 Technologists of New Jersey, the Strengthening the Mid-Atlantic
26 Region for Tomorrow States Organization, the New Jersey Business
27 and Industry Association, the Commerce and Industry Association
28 of New Jersey, the New Jersey State Chamber of Commerce, the
29 New Jersey Tooling and Manufacturing Association, the Research
30 and Development Council of New Jersey, the American Electronics
31 Association - New Jersey/Pennsylvania Council, and a
32 representative employed by a corporation from each of the
33 following industry sectors: pharmaceuticals, financial services,
34 advanced technology, information technology, and nanotechnology.

35 Of the public members first appointed, four shall serve for a term
36 of two years, four for a term of three years, four for a term of four
37 years, and three for a term of five years.

38 Members appointed thereafter shall serve five-year terms, and
39 any vacancy shall be filled by appointment for the unexpired term
40 only. A member is eligible for reappointment. Vacancies in the
41 membership of the foundation shall be filled in the same manner as
42 the original appointments were made.

43 The members shall elect a chair and vice chair from the
44 membership of the board of trustees.

45 (cf: P.L.2007, c.253, s.38)

1 ¹['130.] 136.¹ Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is
2 amended to read as follows:

3 5. a. (1) Except where a limitations provision expressly and
4 specifically applies to actions commenced by the State or where a
5 longer limitations period would otherwise apply, and subject to any
6 statutory provisions or common law rules extending limitations
7 periods, any civil action concerning the remediation of a
8 contaminated site or the closure of a sanitary landfill facility
9 commenced by the State pursuant to the State's environmental laws
10 shall be commenced within three years next after the cause of action
11 shall have accrued.

12 (2) For purposes of determining whether a civil action subject to
13 the limitations periods specified in paragraph (1) of this subsection
14 has been commenced within time, no cause of action shall be
15 deemed to have accrued prior to January 1, 2002 or until the
16 contaminated site is remediated or the sanitary landfill has been
17 properly closed, whichever is later.

18 b. (1) Except where a limitations provision expressly and
19 specifically applies to actions commenced by the State or where a
20 longer limitations period would otherwise apply, and subject to any
21 statutory provisions or common law rules extending limitations
22 periods, any civil action concerning the payment of compensation
23 for damage to, or loss of, natural resources due to the discharge of a
24 hazardous substance, commenced by the State pursuant to the
25 State's environmental laws, shall be commenced within five years
26 and six months next after the cause of action shall have accrued.

27 (2) For purposes of determining whether a civil action subject to
28 the limitations periods specified in paragraph (1) of this subsection
29 has been commenced within time, no cause of action shall be
30 deemed to have accrued prior to January 1, 2002 or until the
31 completion of the remedial action for the entire contaminated site or
32 the entire sanitary landfill facility, whichever is later.

33 c. As used in this section:

34 "State's environmental laws" means the "Spill Compensation and
35 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water
36 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),
37 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and
38 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-
39 1.1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330
40 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,
41 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical
42 Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the
43 "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279
44 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and
45 Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the
46 "Regional Low-Level Radioactive Waste Disposal Facility Siting
47 Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or

1 regulation by which the State may compel a person to perform
2 remediation activities on contaminated property; and

3 "State" means the State, its political subdivisions, any office,
4 department, division, bureau, board, commission or agency of the
5 State or one of its political subdivisions, and any public authority or
6 public agency, including, but not limited to, the New Jersey Transit
7 Corporation [and the University of Medicine and Dentistry of New
8 Jersey] .

9 d. Nothing in the amendatory provisions to this section adopted
10 pursuant to P.L.2009, c.60 (C.58:10C-1 et al.) shall extend a
11 limitations period that has expired prior to the date of enactment of
12 P.L.2009, c.60 (C.58:10C-1 et al.).
13 (cf: P.L.2009, c.60, s.50)

14

15 '【131.】 137.' Section 8 of P.L.2001, c.246 (App.A:9-71) is
16 amended to read as follows:

17 8. a. There is established in the Department of Law and Public
18 Safety the Domestic Security Preparedness Planning Group, which
19 shall assist the task force in performing its duties under this act. In
20 cooperation with the task force, the planning group shall develop
21 and provide to the task force, for consideration, a coordinated plan
22 to be included in the State Emergency Operations Plan to prepare
23 for, respond to, mitigate and recover from incidents of terrorism.

24 b. The members of the planning group shall include the
25 Director of the New Jersey Office of Emergency Management, the
26 Adjutant General of Military and Veterans' Affairs or his designee,
27 the Commissioner of Agriculture or his designee, the Commissioner
28 of Community Affairs or his designee, the Commissioner of
29 Corrections or his designee, the Commissioner of Environmental
30 Protection or his designee, the Commissioner of Health and Senior
31 Services or his designee, the Commissioner of Human Services, or
32 his designee, the Commissioner of Transportation or his designee,
33 the Executive Director of the New Jersey Transit Corporation or his
34 designee, the State Treasurer or his designee, the New Jersey State
35 Medical Examiner or his designee, [a representative of the
36 University of Medicine and Dentistry of New Jersey,] the President
37 of the Board of Public Utilities or his designee, a representative of
38 the New Jersey County Emergency Management Coordinators
39 Association, a representative of the New Jersey State Fire Chiefs
40 Association, and a representative of the New Jersey State Police
41 Chiefs Association. The planning group may include, to the extent
42 such individuals may be made available for such purpose, a
43 representative of the Federal Emergency Management Agency, a
44 representative of the Federal Bureau of Investigation, a
45 representative of the American Red Cross, and a representative of
46 such other charitable groups as may be appropriate. The

1 chairperson of the task force shall appoint the chair and vice chair
2 of the planning group.

3 (cf: P.L.2001, c.246, s.8)

4
5 ¹138. (New section) On and between the enactment date of this
6 act and July 1, 2014, there shall be no layoff of any employee
7 represented by a majority representative, who was employed as of
8 the enactment date of this act, at the University of Medicine and
9 Dentistry of New Jersey, ²University Hospital, ² Rutgers, the State
10 University or Rowan University as a result of any reorganization,
11 restructuring, transfer or acquisition of any school, facility, hospital,
12 entity, function or operation of the University of Medicine and
13 Dentistry of New Jersey, Rutgers, the State University or Rowan
14 University that occurs pursuant to or as a result of the
15 implementation of this act.¹

16
17 ¹139. (New section) Nothing in P.L. , c. (C.) (pending
18 before the Legislature as this bill) shall be construed to modify or
19 contravene the rights and obligations of employers or employees
20 under the “New Jersey Employer-Employee Relations Act,”
21 P.L.1941, c.100 (C.34:13A-1 et seq.).¹

22
23 ¹140. (New section) The State of New Jersey does hereby
24 pledge to and covenant and agree with the holders of any bonds
25 heretofore issued and outstanding pursuant to a bond resolution of
26 Rutgers, The State University or Rowan University that the entities
27 established pursuant to this act shall abide by and otherwise fulfill
28 the terms of any agreement, covenant, or indenture made by
29 Rutgers, The State University to its bond holders and Rowan
30 University to its bond holders, and will not in any way impair the
31 rights or remedies of such holders.¹

32
33 ¹141. (New section) In transferring the assets of the University
34 of Medicine and Dentistry of New Jersey to Rutgers, The State
35 University, it is the intention of the Legislature to protect Rutgers,
36 The State University, and to hold it harmless, subject to future
37 appropriation, for unexpected costs or losses associated with
38 undisclosed liabilities of the University of Medicine and Dentistry
39 of New Jersey that were not reasonably foreseeable or contemplated
40 at the time of the transfers required by this act. Therefore, if
41 Rutgers, The State University experiences, during fiscal years 2014
42 and 2015, costs or losses associated with liabilities of the University
43 of Medicine and Dentistry of New Jersey that were not identified in
44 the certified financial statements of the University of Medicine and
45 Dentistry of New Jersey for the time periods preceding the
46 incurrence of the cost or loss, the State shall reimburse Rutgers, The

1 State University for such cost or loss, subject to appropriation by
2 the Legislature.¹

3
4 ¹142. (New section) The State Treasurer shall establish a
5 Transition Committee in such composition and with such
6 subcommittees as he deems appropriate to advise him regarding all
7 matters pursuant to this act, related to the division, allocation and
8 assignment of State appropriations, debt issues, allocation of
9 budgets, allocation of State personnel, and allocation of costs and
10 resource, monetary and otherwise, of centralized services, involving
11 Rowan University, Rutgers University-Camden, Rutgers, The State
12 University, the University of Medicine and Dentistry of New
13 Jersey, and University Hospital. Upon the advice of the committee
14 or of its subcommittees, the State Treasurer shall be empowered to
15 take all necessary administrative acts to implement the provisions
16 of this act.¹

17
18 ¹143. (New section) The provisions of each of the transfers of
19 the schools, functions, institutes, campuses and centers, and rights,
20 assets and privileges thereof, shall be considered to be
21 interdependent and essential to the intent and purpose of this act
22 and shall be non-severable, and if any of these transfers shall be
23 deemed unenforceable or invalid, the remaining transfers shall be
24 unenforceable and invalid.¹

25
26 ¹144. (New section) a. The schools, institutes, and centers of
27 the University of Medicine and Dentistry of New Jersey, other than
28 the School of Osteopathic Medicine, the entire Stratford campus,
29 the remaining facilities in Camden, and University Hospital, that
30 are transferred to Rutgers, The State University pursuant to section
31 3 of this act shall comprise a university-wide “School of
32 Biomedical and Health Sciences” within Rutgers, The State
33 University. The School of Biomedical and Health Sciences shall
34 also include the Rutgers University School of Nursing, the Ernest
35 Mario School of Pharmacy, the Institute of Health, Health Policy,
36 and Aging Research, and ²[the]² University Behavioral Healthcare.
37 ²Any other schools, institutes, or centers may also be included in
38 the School of Biomedical and Health Sciences as deemed
39 appropriate by the president of Rutgers, The State University². As
40 provided pursuant to section 14 of this act, University Hospital shall
41 ²continue to² serve as the principal teaching hospital for all of the
42 Newark-based schools.

43 b. The ²[board of governors] president² of Rutgers, The State
44 University ², with the consent of the board of governors,² shall
45 appoint a chancellor, who shall be a physician, to lead the School of
46 Biomedical and Health Sciences. The chancellor shall be based at

1 Rutgers University-Newark and shall report directly to the president
2 of Rutgers, The State University.

3 ²[The chancellor shall appoint] There shall be² a provost for
4 Rutgers University-Newark ²responsible for biomedical and health
5 sciences programs located in Newark² and a provost ²appointed by
6 the president of Rutgers, The State University,² for Rutgers
7 University-New Brunswick ²responsible for biomedical and health
8 sciences programs located in Middlesex County² to ²[assist] report
9 to² the chancellor ²[with his duties and responsibilities in the
10 administration of the School of Biomedical and Health Sciences.]².

11 c. The School of Biomedical and Health Sciences shall be
12 supported through a separate line item in the annual appropriations
13 act.¹

14
15 ¹145. (New section) The president of Rutgers, The State
16 University, in consultation with the New Brunswick campus
17 advisory board, shall appoint a chancellor for Rutgers University-
18 New Brunswick, who shall not be the president of the university.
19 The president of Rutgers, The State University, in consultation with
20 the Newark campus advisory board, shall appoint a chancellor for
21 Rutgers University-Newark. The chancellor of Rutgers University-
22 Newark shall have direct responsibility for the management of
23 Rutgers University-Newark, and the chancellor of Rutgers
24 University-New Brunswick shall have direct responsibility for the
25 management of Rutgers University-New Brunswick. Each
26 chancellor shall report directly to the president of the university.¹

27
28 ¹146. (New section) Effective July 1, 2013, a campus advisory
29 board shall be appointed for Rutgers University-New Brunswick.
30 The campus advisory board shall work with the chancellor of
31 Rutgers University-New Brunswick in implementing the teaching,
32 research, and service mission of Rutgers University-New
33 Brunswick, the engagement of the campus with its local
34 community, its region, and the State, and its commitment to
35 academic excellence, access, and diversity.

36 The campus advisory board shall be composed of 11 members as
37 follows: the chancellor of Rutgers University-New Brunswick who
38 shall serve ex-officio; the member of the board of governors of
39 Rutgers, The State University who is appointed by the board of
40 trustees and who is, pursuant to N.J.S.18A:65-14, required to be a
41 resident of Middlesex County; two Rutgers University-New
42 Brunswick faculty members one of whom is appointed by the
43 faculty union and one of whom is elected by the Rutgers New
44 Brunswick Faculty Council; one member of the Rutgers University-
45 New Brunswick administration appointed by the Rutgers
46 University-New Brunswick chancellor; one Rutgers University-
47 New Brunswick staff member selected from among the staff unions;

1 two student representatives appointed by the Rutgers University-
2 New Brunswick student governing association; and three members
3 of the local community, two of whom shall be selected by the
4 Office of Community Affairs from community organizations with
5 one of these members being an alumnus of Rutgers University-New
6 Brunswick, and one of whom shall be selected by the Mayor of the
7 City of New Brunswick.

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

13 A member shall be subject to removal, after a hearing by a
14 majority of the campus advisory board, for malfeasance or conduct
15 injurious to the interest of Rutgers University-New Brunswick.

16 The board shall meet and organize annually at a regular meeting
17 held during the second week in September. The president shall
18 serve until the following September and until his successor is
19 appointed and qualified. Vacancies in the offices shall be filled in
20 the same manner for the unexpired term only.

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

23 The campus advisory board shall hold at least one public meeting
24 each semester.¹

25
26 ¹147. (New section) Notwithstanding the provisions of
27 N.J.S.18A:65-25 or any other section of law to the contrary, the
28 campus advisory board of Rutgers University-New Brunswick shall:

29 a. advise the president and the board of governors of Rutgers,
30 The State University on the selection of the Rutgers University-
31 New Brunswick chancellor;

32 b. propose capital projects and bonding for Rutgers University-
33 New Brunswick to the board of governors of Rutgers University;
34 and

35 c. propose an annual budget for Rutgers University-New
36 Brunswick to the board of governors of Rutgers University.¹

37 ²Nothing in this section shall be construed to alter, amend,
38 modify, or diminish the authority of the board of governors of
39 Rutgers, The State University to grant tenure and promotions to
40 faculty at Rutgers University-New Brunswick, establish standards
41 for academic programs and for the awarding of degrees for Rutgers
42 University-New Brunswick, and make final decisions on capital
43 projects, bonding, and the annual budget for Rutgers University-
44 New Brunswick.²

45
46 ¹148. (New section) All monies including, but not limited to,
47 grants, appropriations, capital improvement expenditures, research

1 funds, State-funded personnel, institutional support, and grants-in-
2 aid, previously allocated or otherwise provided to the University of
3 Medicine and Dentistry of New Jersey for the use of Robert Wood
4 Johnson Medical School, regardless of source, which remain
5 unexpended on the effective date of P.L. , c. (C.) (pending
6 before the Legislature as this bill) shall be transferred to Rutgers,
7 The State University.¹

8
9 ¹149. (New section) For a period of five years after the
10 effective date of P.L. , c. (C.) (pending before the Legislature
11 as this bill), any substantive changes that result in the diminution,
12 deterioration or reduction to essential health care services currently
13 provided by University Hospital, including but not limited to,
14 emergency, pediatric, surgical, family health, outpatient ambulatory
15 diagnostic, treatment and clinical services, cancer treatment
16 services and all services essential to maintaining level one trauma
17 status, shall be subject to review by the University Hospital
18 Community Oversight Board and approval by the Department of
19 Health and Senior Services through a licensing review process. In
20 determining whether to approve a substantive change in an essential
21 service provided by University Hospital, among the factors the
22 Department of Health and Senior Services shall consider is whether
23 that service will continue to be provided to the greater Newark
24 community through collaborative or other arrangements with area
25 hospitals.

26 University Hospital shall provide quarterly financial statements
27 to the Department of Health and Senior Services which shall be
28 posted on the hospital's public Internet website.¹

29
30 ²150. (New section) For medical malpractice claims incurred at
31 University Hospital, occurring before or after the effective date of
32 this act, University Hospital and its employees shall be represented
33 by the Attorney General in all such matters. The Department of the
34 Treasury shall enter into a memorandum of agreement with
35 University Hospital modeled on the June, 2003 memorandum of
36 agreement between the Department of the Treasury and the
37 University of Medicine and Dentistry concerning the Self-Insurance
38 Reserve Fund, and moneys in the fund known as the Self-Insurance
39 Reserve Fund shall be available to University Hospital solely to
40 indemnify and defend medical malpractice claims against
41 employees, officers, and servants at University Hospital.²

42
43 ²151. (New section) a. The provisions of P.L. , c. (C.)
44 (pending before the Legislature as this bill) and the authorization
45 pursuant to section 3 of P.L.2006, c.95 (C.18A:64G-6.1) for the
46 board of directors of University Hospital to enter into a contract or
47 other agreement with a nonprofit corporation for the operation and

1 management of University Hospital is to be liberally construed to
2 promote the purposes of P.L. , c. (C.) (pending before the
3 Legislature as this bill) and to permit the contracted manager to
4 operate University Hospital and exercise the powers described
5 herein notwithstanding that its actions might be deemed anti-
6 competitive or a restraint of trade under any state or federal antitrust
7 laws.

8 b. In the event that the board of directors of University
9 Hospital enters into a contract or other agreement with a nonprofit
10 corporation for the operation and management of University
11 Hospital, the contracted manager may, in addition to any other
12 authorized duties:

13 (1) make and execute contracts, and any other instruments
14 including agreements in furtherance of the purposes of P.L. ,
15 c. (C.) (pending before the Legislature as this bill) with any
16 health systems and providers of health care services, private payors,
17 or other parties; and

18 (2) form and operate networks of hospitals, physicians, and other
19 health care providers, arrange for the provision of health care
20 services through such networks, and enter into such agreements,
21 joint ventures, and affiliations directly related to the management of
22 University Hospital.

23 c. Notwithstanding the provisions of subsections a. and b. of
24 this section, University Hospital shall continue to be the principal
25 teaching hospital of the New Jersey Medical School, the New
26 Jersey Dental School, and any other Newark-based medical
27 education program. University Hospital clinicians shall continue to
28 have faculty appointments in a Newark-based school. Bargaining
29 unit employees employed at University Hospital shall retain their
30 status as public employees within the meaning of the “New Jersey
31 Employer-Employee Relations Act,” P.L.1941, c.100 (C.34:13A-1
32 et seq.), and such employees shall continue to provide the services
33 they were providing prior to University Hospital entering into a
34 management contract. There shall be no substantive changes that
35 result in the diminution, deterioration, or reduction to essential
36 health care services currently provided by University Hospital for a
37 period of five years after the effective date of P.L. , c. (C.)
38 (pending before the Legislature as this bill) without review by the
39 University Hospital Community Oversight Board and approval by
40 the Department of Health and Senior Services, and any management
41 contract shall conform to all other requirements of P.L. , c. (C.)
42 (pending before the Legislature as this bill).²

43
44 ¹[132.] ²[150.] ¹ 152.² The following sections are repealed:

45 P.L.1970, c.102 (C.18A:64G-1 et seq.);

46 Sections 3, 6, 19, 20, 21, and 22 of P.L.1981, c.325 (C.18A:64G-
47 3.1, 18A:64G-4.1, 18A:64G-3.3, 18A:64G-3.4, 18A:64G-3.5,
48 18A:64G-3.6);

1 Sections 1, 7, and 8 of P.L.1992, c.84 (C.18A:64G-3.8,
2 18A:64G-3.9, and 18A:64G-3.);
3 Section 4 of P.L.2006, c.95 (C.18A:64G-6.2); and
4 Section 1 of P.L.1979, c.1 (C.18A:64G-20.1).

5
6 ¹[133. This] ²[151. Sections] 153. Section 138 shall take effect
7 immediately, sections² 15, 20, 26, 33, ²34, ²38, ²[138]² and 146 of
8 this act shall take effect and become operational on the 90th day
9 after the date of enactment and the remainder of this¹ act shall take
10 effect on ¹[the 180th day after the date of enactment] July 1, 2013
11 and shall first apply to the 2013-2014 academic year¹, but
12 anticipatory administrative action may be taken in advance of the
13 operative date as shall be necessary for the implementation of this
14 act.

15

16

17

18

19 “New Jersey Medical and Health Sciences Education
20 Restructuring Act.”