

[First Reprint]

**SENATE, No. 2063**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED JUNE 7, 2012

**Sponsored by:**

**Senator DONALD NORCROSS**

**District 5 (Camden and Gloucester)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

“New Jersey Medical and Health Sciences Education Restructuring Act.”

**CURRENT VERSION OF TEXT**

As reported by the Senate Higher Education Committee on June 14, 2012,  
with amendments.



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

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

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

11  
12 2. (New section) a. In order to carry out the purposes of this  
13 act and to provide the program of medical and dental education  
14 required for the benefit of the State and the people of New Jersey,  
15 all rights to all of the schools, institutes, and centers of the  
16 University of Medicine and Dentistry of New Jersey, other than the  
17 School of Osteopathic Medicine, are hereby transferred to Rutgers,  
18 The State University.

19 Rutgers, The State University is hereby authorized to acquire the  
20 facilities of the schools, institutes, and centers of the University of  
21 Medicine and Dentistry of New Jersey, other than the facilities of  
22 the School of Osteopathic Medicine, and devote the same to the  
23 purposes of public higher education in the State in accordance with  
24 the terms of any gift, grant, trust, contract or other agreement with  
25 the State or any of its political subdivisions or with the United  
26 States or with any public body, department or any agency of the  
27 State or the United States or with any individual, firm or  
28 corporation.

29 b. Whenever, in any law, rule, regulation, order, contract,  
30 document, judicial or administrative proceeding or otherwise,  
31 reference is made to the University of Medicine and Dentistry of  
32 New Jersey, the same shall mean and refer to Rutgers, The State  
33 University.

34  
35 3. (New section) Upon the transfer of the schools, institutes,  
36 and centers of the University of Medicine and Dentistry of New  
37 Jersey to Rutgers, The State University pursuant to section 2 of this  
38 act:

39 a. all appropriations, grants, and other moneys available and to  
40 become available to the schools, institutes, and centers of the  
41 University of Medicine and Dentistry of New Jersey are hereby  
42 transferred to Rutgers, The State University, and shall be available  
43 for the objects and purposes for which appropriated subject to any  
44 terms, restrictions, limitations or other requirements imposed by the

**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:

<sup>1</sup>Senate SHI committee amendments adopted June 14, 2012.

1 State budget or by State and federal law.

2 b. all employees of the schools, institutes, and centers of the  
3 University of Medicine and Dentistry of New Jersey are hereby  
4 transferred to Rutgers, The State University. Nothing in this act  
5 shall be considered to deprive any person of any tenure rights or of  
6 any right or protection provided him under any pension law or  
7 retirement system or any other law of this State.

8 c. all files, books, papers, records, equipment, and other  
9 property of the schools, institutes, and centers of the University of  
10 Medicine and Dentistry of New Jersey, are hereby transferred to  
11 Rutgers, The State University.

12 d. all orders, rules or regulations heretofore made or  
13 promulgated by the schools, institutes, and centers of the University  
14 of Medicine and Dentistry of New Jersey, or by the University of  
15 Medicine and Dentistry of New Jersey on their behalf, shall be  
16 continued with full force and effect as the orders, rules and  
17 regulations of Rutgers, The State University until amended or  
18 repealed pursuant to law.

19

20 4. (New section) This act shall not affect actions or  
21 proceedings, civil or criminal, brought by or against the schools,  
22 institutes, and centers of the University of Medicine and Dentistry  
23 of New Jersey, but such actions, or proceedings may be prosecuted  
24 or defended in the same manner and to the same effect by Rutgers,  
25 The State University, as if the foregoing provisions had not taken  
26 effect; nor shall any of the foregoing provisions affect any order or  
27 regulation made by, or other matters or proceedings before, the  
28 schools, institutes, and centers of the University of Medicine and  
29 Dentistry of New Jersey, and all such matters or proceedings  
30 pending before the schools, institutes, and centers of the University  
31 of Medicine and Dentistry of New Jersey, on the effective date of  
32 this act shall be continued by Rutgers, The State University, as if  
33 the foregoing provisions had not taken effect.

34

35 5. (New section) All debts of the University of Medicine and  
36 Dentistry of New Jersey associated with the schools, institutes, and  
37 centers of the University of Medicine and Dentistry of New Jersey  
38 are transferred to Rutgers, The State University, and all creditors of  
39 the University of Medicine and Dentistry of New Jersey may  
40 enforce those debts against Rutgers, The State University in the  
41 same manner as they might have had against the University of  
42 Medicine and Dentistry of New Jersey, and the rights and remedies  
43 of those creditors shall not be limited or restricted in any manner by  
44 this act.

45

46 6. (New section) a. Nothing in this act shall be construed to  
47 deprive any officers or employees of the schools, institutes, and  
48 centers of the University of Medicine and Dentistry of New Jersey

1 of their rights, privileges, obligations or status with respect to any  
2 pension, retirement, or health benefits system. The employees  
3 shall, upon transfer to Rutgers, The State University, retain all of  
4 their rights and benefits under existing collective negotiations  
5 agreements or contracts until such time as new or revised  
6 agreements or contracts are agreed to. All existing employee  
7 majority representatives shall be retained to act on behalf of those  
8 employees until such time as the employees shall, pursuant to law,  
9 elect to change those majority representatives. Nothing in this act  
10 shall affect the civil service status, if any, of those officers or  
11 employees. Nothing in this act shall affect the tenure, rank, or  
12 academic track of any of those employees holding a faculty  
13 position.

14 b. The employees shall, upon transfer to Rutgers, The State  
15 University, not be considered new employees for any purpose and  
16 shall retain any accrued seniority, rank, and tenure, which shall be  
17 applied when determining eligibility for all benefits, including all  
18 paid leave time, longevity increases, and promotions.  
19

20 7. (New section) <sup>1</sup>a. <sup>1</sup>All rights of the University of Medicine  
21 and Dentistry of New Jersey in the School of Osteopathic Medicine  
22 are hereby transferred to Rowan University. Rowan University is  
23 hereby authorized to acquire the facilities of the School of  
24 Osteopathic Medicine and devote the same to the purposes of public  
25 higher education in the State in accordance with the terms of any  
26 gift, grant, trust, contract or other agreement with the State or any  
27 of its political subdivisions or with the United States or with any  
28 public body, department or any agency of the State or the United  
29 States or with any individual, firm or corporation.

30 <sup>1</sup>[Rowan University shall maintain any affiliation agreement  
31 with the existing integrated healthcare delivery system of the  
32 School of Osteopathic Medicine.] b. It is hereby stated and  
33 acknowledged that osteopathic medical education is critical to the  
34 health and welfare of the residents of the State. In order to preserve  
35 a strong osteopathic academic resource for the State, the School of  
36 Osteopathic Medicine shall maintain its own academic programs,  
37 separate and distinct from any other medical school, including  
38 without limitation, another medical school affiliated with the same  
39 university.

40 c. The School of Osteopathic Medicine shall maintain a  
41 primary clinical affiliation with an osteopathic principal affiliate  
42 hospital.

43 d. The osteopathic principal affiliate hospital shall maintain  
44 sole responsibility for the implementation, conduct, management,  
45 and oversight of any graduate medical education program that is  
46 operated under its auspices and receives funding through the  
47 Medicare program established pursuant to Title XVIII of the federal  
48 Social Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.).

1 including the engagement of necessary clinical faculty for the  
2 post-graduate trainees and fellows whom the hospital employs.

3 e. As used in this section, an “osteopathic principal affiliate  
4 hospital” means a teaching hospital that: has its principal place of  
5 business located in the State; is accredited by the American  
6 Osteopathic Association; and allocates a majority of its graduate  
7 medical education slots to osteopathic medical education.<sup>1</sup>

8  
9 8. (New section) Upon the transfer of the School of  
10 Osteopathic Medicine of the University of Medicine and Dentistry  
11 of New Jersey to Rowan University pursuant to section 7 of this act:

12 a. all appropriations, grants, and other moneys available and to  
13 become available to the School of Osteopathic Medicine are hereby  
14 transferred to Rowan University, and shall be available for the  
15 objects and purposes for which appropriated subject to any terms,  
16 restrictions, limitations or other requirements imposed by the State  
17 budget or by State and federal law.

18 b. all employees of the School of Osteopathic Medicine are  
19 hereby transferred to Rowan University. Nothing in this act shall  
20 be considered to deprive any person of any tenure rights or of any  
21 right or protection provided him under any pension law or  
22 retirement system or any other law of this State.

23 c. all files, books, papers, records, equipment, and other  
24 property of the School of Osteopathic Medicine are hereby  
25 transferred to Rowan University.

26 d. all orders, rules or regulations heretofore made or  
27 promulgated by the School of Osteopathic Medicine, or by the  
28 University of Medicine and Dentistry of New Jersey on its behalf,  
29 shall be continued with full force and effect as the orders, rules and  
30 regulations of Rowan University until amended or repealed  
31 pursuant to law.

32  
33 9. (New section) This act shall not affect actions or  
34 proceedings, civil or criminal, brought by or against the School of  
35 Osteopathic Medicine, but such actions, or proceedings may be  
36 prosecuted or defended in the same manner and to the same effect  
37 by Rowan University, as if the foregoing provisions had not taken  
38 effect; nor shall any of the foregoing provisions affect any order or  
39 regulation made by, or other matters or proceedings before, the  
40 School of Osteopathic Medicine, and all such matters or  
41 proceedings pending before the School of Osteopathic Medicine, on  
42 the effective date of this act shall be continued by Rowan  
43 University, as if the foregoing provisions had not taken effect.

44  
45 10. (New section) All debts of the University of Medicine and  
46 Dentistry of New Jersey associated with the School of Osteopathic  
47 Medicine are transferred to Rowan University, and all creditors of  
48 the University of Medicine and Dentistry of New Jersey may

1 enforce those debts against Rowan University in the same manner  
2 as they might have had against the University of Medicine and  
3 Dentistry of New Jersey, and the rights and remedies of those  
4 creditors shall not be limited or restricted in any manner by this act.

5  
6 11. (New section) a. Nothing in this act shall be construed to  
7 deprive any officers or employees of the School of Osteopathic  
8 Medicine of their rights, privileges, obligations or status with  
9 respect to any pension, retirement, or health benefits system. The  
10 employees shall, upon transfer to Rowan University, retain all of  
11 their rights and benefits under existing collective negotiations  
12 agreements or contracts until such time as new or revised  
13 agreements or contracts are agreed to. All existing employee  
14 majority representatives shall be retained to act on behalf of those  
15 employees until such time as the employees shall, pursuant to law,  
16 elect to change those majority representatives. Nothing in this act  
17 shall affect the civil service status, if any, of those officers or  
18 employees. Nothing in this act shall affect the tenure, rank, or  
19 academic track of any of those employees holding a faculty  
20 position.

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

26  
27 12. (New section) a. University Hospital shall be the principal  
28 teaching hospital of New Jersey Medical School 'and New Jersey  
29 Dental School'. University Hospital shall be treated and accounted  
30 for as a separate legal entity from the university, and its assets,  
31 liabilities, and funds shall not be consolidated or commingled with  
32 those of the university.

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

38 c. All appropriations that are intended for the use of University  
39 Hospital, on or after the effective date of P.L. , c. (C. )  
40 (pending before the Legislature as this bill), shall be made directly  
41 to University Hospital.

42  
43 13. (New section) a. The responsibility for ensuring community  
44 access to services provided at University Hospital shall be vested in  
45 a nine-member board to be designated as the University Hospital  
46 Community Oversight Board. The purpose of the board shall be to  
47 ensure that the mission of the hospital and the intent of the  
48 "Agreements Reached Between Community and Government

1 Negotiators Regarding New Jersey College of Medicine and  
2 Dentistry and Related Matters of April 30, 1968” to provide a  
3 comprehensive health program to the community in the City of  
4 Newark, including, but not limited to, ensuring access to all  
5 essential health care services provided by the hospital, are upheld.

6 b. The membership of the University Hospital Community  
7 Oversight Board shall be comprised of:

8 (1) four members who shall serve ex officio, including: the  
9 President of Rutgers University; and the Chief Executive Officer,  
10 Chief Financial Officer, and Chief Medical Officer of University  
11 Hospital; and

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

13 (a) two representatives of organized labor, one appointed by the  
14 head of the largest union that is affiliated with the AFL-CIO and  
15 represents persons employed at University Hospital and one  
16 appointed by the head of the largest union that is not affiliated with  
17 the AFL-CIO and represents persons employed at University  
18 Hospital;

19 (b) one person appointed by the Governor, with the advice and  
20 consent of the Senate;

21 (c) one person appointed by the President of the Senate; and

22 (d) one person appointed by the Speaker of the General  
23 Assembly.

24 c. The public members of the board shall serve for a five-year  
25 term; except that of the members first appointed, three shall serve  
26 for a term of five years, one for a term of three years, and one for a  
27 term of two years. A member of the board shall serve until the  
28 member’s successor is appointed. A vacancy in the membership,  
29 occurring other than by expiration of term, shall be filled in the  
30 same manner as the original appointment but for the unexpired term  
31 only.

32 d. The members of the board shall select a chairperson and vice  
33 chairperson from among themselves. The board shall organize as  
34 soon as practicable following the appointment of its members. The  
35 chairperson shall appoint a secretary who need not be a member of  
36 the board.

37 e. The board shall meet at such times and places as it shall  
38 designate.

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

41

42 14. (New section) a. Nothing in this act shall be construed to  
43 deprive any officers or employees of University Hospital of their  
44 rights, privileges, obligations, or status with respect to any pension,  
45 retirement, or health benefits system. If any employees of  
46 University Hospital are transferred to, or otherwise become  
47 employees of, a new entity as a result of a restructuring or  
48 reorganization pursuant or subsequent to this act, those employees

1 shall retain all of their rights and benefits under existing collective  
2 negotiations agreements or contracts until such time as new or  
3 revised agreements or contracts are agreed to. All existing  
4 employee representatives shall be retained to act on behalf of those  
5 employees until such time as the employees shall, pursuant to law,  
6 elect to change those representatives. Nothing in this act shall  
7 affect the civil service status, if any, of those officers or employees.  
8 Nothing in this act shall affect the tenure, rank, or academic track of  
9 any person holding a faculty position that is associated with  
10 University Hospital.

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

17 15. (New section) a. University Hospital shall be required to  
18 obtain approval from the Superior Court of New Jersey prior to  
19 entering into a transaction that results in the acquisition of the  
20 hospital, and shall satisfy the requirements of the "Community  
21 Health Care Assets Protection Act," P.L.2000, c.143 (C.26:2H-7.10  
22 et seq.), to the maximum extent to which those provisions are  
23 determined applicable by the Attorney General, in consultation with  
24 the Commissioner of Health and Senior Services.

25 b. The Attorney General, in consultation with the  
26 Commissioner of Health and Senior Services, shall adopt  
27 regulations pursuant to the "Administrative Procedure Act,"  
28 P.L.1968, c.410, (C.52:14B-1 et seq.), to carry out the purposes of  
29 subsection a. of this section.  
30

31 16. (New section) a. As used in this section, "northern counties"  
32 means Bergen, Essex, Hudson, Morris, Passaic, Union, Sussex, and  
33 Warren Counties.

34 b. Effective July 1, 2013, a campus board of governors shall be  
35 appointed for Rutgers University–Newark. The campus board of  
36 governors shall be composed of eight members as follows: the  
37 chancellor of Rutgers University–Newark who shall serve as an ex-  
38 officio, nonvoting member; two members appointed by the board of  
39 governors of Rutgers University established pursuant to  
40 N.J.S.18A:65-14 from among its members; one member appointed  
41 by the board of trustees of Rutgers University established pursuant  
42 to N.J.S.18A:65-15 from among its members; and four members,  
43 who are residents of the northern counties, appointed by the  
44 Governor, and upon the expiration of the terms of the original  
45 members, with the advice and consent of the Senate.

46 The term of office of a member appointed by the board of  
47 governors or the board of trustees of Rutgers University shall be  
48 coterminous with his term on that board. The members appointed



1 by the Governor shall serve for terms of six years beginning on July  
2 1 and ending on June 30; except that of the members first appointed  
3 by the Governor, one shall serve for a term of six years, one shall  
4 serve for a term of four years, one shall serve for a term of three  
5 years, and one shall serve for a term of two years. Each member  
6 shall serve until his successor is appointed and qualified, and  
7 vacancies shall be filled in the same manner as the original  
8 appointments for the remainder of the unexpired term. A member  
9 appointed by the Governor may succeed himself for not more than  
10 one additional term after having served one full six-year term.

11 A member shall be subject to removal, after a hearing by a  
12 majority of the campus board of trustees, for malfeasance or  
13 conduct injurious to the interest of Rutgers University-Newark,  
14 subject to review and confirmation by the Governor in the case of  
15 his appointees or by the board of governors or the board of trustees,  
16 as applicable, in the case of that board's appointees.

17 c. The board shall meet and organize annually at a regular  
18 meeting held during the second week of September. The Governor  
19 shall appoint the chair of the board. The chair shall serve until the  
20 following September meeting and until his successor is appointed  
21 and qualified. Vacancies in the offices shall be filled in the same  
22 manner for the unexpired term only.

23 d. Members of the board shall serve without compensation but  
24 shall be entitled to be reimbursed for all reasonable and necessary  
25 expenses.

26

27 17. (New section) Notwithstanding the provisions of  
28 N.J.S.18A:65-25 or any other section of law to the contrary, the  
29 campus board of governors shall;

30 a. maintain a separate debt service account for Rutgers  
31 University-Newark;

32 b. propose capital projects and bonding for Rutgers University-  
33 Newark to the board of governors of Rutgers University;

34 c. propose an annual budget for Rutgers University-Newark to  
35 the board of governors of Rutgers University;

36 d. recommend new academic programs and degree  
37 requirements for Rutgers University-Newark to the board of  
38 governors of Rutgers University; and

39 e. recommend candidates for promotion and tenure at Rutgers  
40 University-Newark to the board of governors of Rutgers University.

41

42 18. (New section) a. As used in this section, "southern counties"  
43 means Atlantic, Burlington, Camden, Cape May, Cumberland,  
44 Gloucester, Ocean, and Salem Counties.

45 b. Effective July 1, 2013, a campus board of trustees shall be  
46 appointed for Rutgers University-Camden. The campus board of  
47 trustees shall be composed of eight members as follows: the  
48 chancellor of Rutgers University-Camden who shall serve as an ex-

1 officio, nonvoting member; two members appointed by the board of  
2 governors of Rutgers University established pursuant to  
3 N.J.S.18A:65-14 from among its members; one member appointed  
4 by the board of trustees of Rutgers University established pursuant  
5 to N.J.S.18A:65-15 from among its members; and four members,  
6 who are residents of the southern counties, appointed by the  
7 Governor with the advice and consent of the Senate.

8 The terms of office of a member appointed by the board of  
9 governors or the board of trustees of Rutgers University shall be  
10 coterminous with his term on that board. The members appointed  
11 by the Governor shall serve for terms of six years beginning on July  
12 1 and ending on June 30; except that of the members first appointed  
13 by the Governor, one shall serve for a term of six years, one shall  
14 serve for a term of four years, one shall serve for a term of three  
15 years, and one shall serve for a term of two years. Each member  
16 shall serve until his successor is appointed and qualified, and  
17 vacancies shall be filled in the same manner as the original  
18 appointments for the remainder of the unexpired term. A trustee  
19 appointed by the Governor may succeed himself for not more than  
20 one additional term after having served one full six-year term.

21 A trustee shall be subject to removal, after a hearing by a  
22 majority of the campus board of trustees, for malfeasance or  
23 conduct injurious to the interest of Rutgers University-Camden,  
24 subject to review and confirmation by the Governor in the case of  
25 his appointees or by the board of governors or the board of trustees,  
26 as applicable, in the case of that board's appointees.

27 c. The board shall meet and organize annually at a regular  
28 meeting held during the second week of September, by the election  
29 of a chair, vice-chair, and such other officers as the board shall  
30 determine. The officers shall serve until the following September  
31 meeting and until their successors are elected and qualified.  
32 Vacancies in the offices shall be filled in the same manner for the  
33 unexpired term only.

34 d. Members of the board shall serve without compensation but  
35 shall be entitled to be reimbursed for all reasonable and necessary  
36 expenses.

37  
38 19. (New section) Notwithstanding the provisions of  
39 N.J.S.18A:65-25 or any other section of law to the contrary, the  
40 campus board of trustees shall have general supervision over and  
41 shall be vested with the conduct of Rutgers University-Camden. It  
42 shall have the following powers, subject to the approval of the Joint  
43 Rowan University-Rutgers Camden Board of Governors:

44 a. determine policies for the organization, administration, and  
45 development of Rutgers University-Camden;

46 b. study the educational and financial needs of Rutgers  
47 University-Camden; annually acquaint the Governor and  
48 Legislature with the condition of Rutgers University-Camden; and

- 1 prepare and present an annual budget to the Governor, the Division
- 2 of Budget and Accounting in the Department of the Treasury, and
- 3 the Legislature in accordance with the law;
- 4 c. set tuition and fees;
- 5 d. disburse all moneys appropriated to Rutgers University-
- 6 Camden by the Legislature, including appropriations for fringe
- 7 benefit costs, and all moneys received from tuition, fees, auxiliary
- 8 services, and other sources;
- 9 e. direct and control expenditures and transfers of funds
- 10 appropriated to Rutgers University-Camden, in accordance with the
- 11 State budget and appropriation acts of the Legislature, reporting
- 12 changes and additions thereto and transfers thereof to the Director
- 13 of the Division of Budget and Accounting in the Department of the
- 14 Treasury and as to funds received from other sources, direct and
- 15 control expenditures and transfers in accordance with the terms and
- 16 conditions of any applicable trusts, gifts, bequests, or other special
- 17 provisions. All accounts of Rutgers University-Camden shall be
- 18 subject to audit by the State at any time;
- 19 f. borrow money for the needs of Rutgers University-Camden,
- 20 as deemed requisite by the board, in such amounts and for such time
- 21 and upon such terms as may be determined by the board; provided
- 22 that no such borrowing shall be deemed or construed to create or
- 23 constitute a debt, liability, or a loan or pledge of the credit, or be
- 24 payable out of property or funds, other than moneys appropriated
- 25 for that purpose, of the State;
- 26 g. purchase all lands, buildings, equipment, materials, and
- 27 supplies;
- 28 h. employ architects to plan buildings, secure bids for the
- 29 construction of buildings and for the equipment thereof, make
- 30 contracts for the construction of buildings and for equipment, and
- 31 supervise the construction of buildings;
- 32 i. manage and maintain and provide for the payment of all
- 33 charges on and expenses in respect of, all properties utilized by
- 34 Rutgers University-Camden;
- 35 j. in accordance with the provisions of the State budget and
- 36 appropriations acts of the Legislature, appoint and fix the
- 37 compensation of the chancellor of Rutgers University-Camden, who
- 38 shall be the executive officer of Rutgers University-Camden and an
- 39 ex-officio member of the Rutgers University-Camden board of
- 40 trustees, without vote, and shall serve at the pleasure of that board;
- 41 k. in accordance with the provisions of the State budget, have
- 42 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;
- 45 l. in accordance with the State budget, appoint, remove,
- 46 promote, and transfer all other officers, agents, or employees,
- 47 assign their duties, determine their salaries, and prescribe

1 qualifications for all positions, and in accordance with the salary  
2 schedules of the Civil Service Commission whenever possible; and

3 m. enter into contracts and agreements with the State or any of  
4 its political subdivisions or with the United States, or with any  
5 public body, department, or other agency of the State or the United  
6 States, or with any individual.

7  
8 20. (New section) Rutgers University-Camden shall maintain an  
9 Internet website for the board of trustees. The purpose of the  
10 website shall be to provide increased public access to board  
11 operations and activities. The following information shall be posted  
12 on the board's website:

13 a. the board's rules, regulations, resolutions, and official policy  
14 statements;

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

18 c. the minutes of each meeting of the board and its committees;  
19 and

20 d. information on any contract entered into by the board that  
21 was not competitively bid and the statutory authority for the  
22 contracting process.

23 The website shall be updated on a regular basis.

24  
25 21. (New section) a. The board of governors of Rutgers  
26 University shall enter into a 99-year lease agreement with the board  
27 of trustees of Rutgers University-Camden, subject to the approval  
28 of the Joint Rowan University-Rutgers Camden Board of  
29 Governors, pursuant to which all property and assets of Rutgers  
30 University-Camden shall remain the property and assets of Rutgers  
31 University; except that Rutgers University shall have no  
32 responsibility or control over the property and assets or over the  
33 maintenance, insurance, and development of the property and  
34 assets. The lease agreement shall provide for an annual payment of  
35 \$1 per year by Rutgers University-Camden to the board of  
36 governors of Rutgers University and shall also include the payment  
37 by Rutgers University-Camden of any debt service associated with  
38 the facilities and property of Rutgers University-Camden. At the  
39 end of the lease agreement Rutgers University-Camden shall have  
40 the option to purchase the property at fair market value, exclusive  
41 of any improvements, buildings, or fixed assets thereon.

42 b. The board of governors of Rutgers University and the board  
43 of trustees of Rutgers University-Camden shall enter into an  
44 agreement for the participation of Rutgers University-Camden in  
45 the central administrative services and systems provided by Rutgers  
46 University including, but not limited to:

47 (1) the library system;

48 (2) information technology systems; and

1 (3) university administration and public safety including  
2 construction code services, emergency services, environmental and  
3 health services, and the police department.

4 The agreement shall include a negotiated rate of reimbursement  
5 to be paid by Rutgers University-Camden to Rutgers University for  
6 the central administrative services and systems provided pursuant to  
7 the agreement.

8  
9 22. (New section) The board of governors of Rutgers University  
10 shall establish:

11 a. standards for the establishment and evaluation of academic  
12 programs of Rutgers University-Camden;

13 b. standards for the award of degrees to students enrolled in the  
14 academic degree programs of Rutgers University-Camden; and

15 c. standards for the promotion and award of tenure to faculty  
16 employed at Rutgers University-Camden.

17  
18 23. (New section) The provisions of all collective negotiations  
19 agreements applicable to employees of Rutgers University-Camden  
20 in effect on the effective date of P.L. , c. (C. ) (pending  
21 before the Legislature as this bill) shall remain in full force and  
22 effect until such time as new or revised agreements or contracts  
23 may be established.

24  
25 24. (New section) a. All monies previously allocated or  
26 otherwise provided to Rutgers University for the use of Rutgers  
27 University-Camden, regardless of source, which remain  
28 unexpended on the effective date of P.L. ,c. (C ) (pending  
29 before the Legislature as this bill), shall be transferred to Rutgers  
30 University-Camden.

31 b. State support for the operation of Rutgers University-  
32 Camden, including support for fringe benefit costs, shall be  
33 appropriated by the Legislature directly to Rutgers University-  
34 Camden.

35  
36 25. (New section) There is established the Joint Rowan  
37 University-Rutgers Camden Board of Governors. Notwithstanding  
38 any other provision of law to the contrary, the board shall have full  
39 authority over all matters concerning the supervision and operations  
40 of Rowan University and Rutgers University-Camden.

41 a. The board shall be composed of seven members as follows:  
42 two members appointed by the board of trustees of Rowan  
43 University from among its members; two members appointed by the  
44 board of trustees of Rutgers University-Camden from among its  
45 members; and three members appointed by the Governor with the  
46 advice and consent of the Senate. The board shall elect a  
47 chairperson from among its membership.

1       b. The term of office of a member of the joint board appointed  
2 by the board of trustees of Rowan University or the board of  
3 trustees of Rutgers University-Camden shall be coterminous with  
4 his term on that board of trustees. The term of office of the  
5 Governor's appointees shall be six years. An appointed member  
6 may be removed for cause by the board of trustees that appointed  
7 the member, or by the Governor in the case of his appointees.

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

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.

14       e. The joint board shall be staffed by employees of Rowan  
15 University and Rutgers University-Camden.

16

17       26. (New section) The Joint Rowan University-Rutgers Camden  
18 Board of Governors shall have the authority and responsibility to:

19       a. approve or disapprove of any decision of the board of  
20 trustees of Rowan University or the board of trustees of Rutgers  
21 University-Camden;

22       b. determine policies for the organization, administration, and  
23 development of curriculum and programs of Rowan University and  
24 Rutgers University-Camden, including dual degree programs and  
25 partnerships between the institutions;

26       c. make joint faculty appointments to Rowan University and  
27 Rutgers University-Camden;

28       d. determine policies for the shared utilization of each  
29 institution's resources including housing, student affairs, and  
30 security;

31       e. provide curricular oversight of joint programs of Rowan  
32 University and Rutgers University-Camden; and

33       f. develop plans and policies for the operation and governance  
34 of health science facilities, including policies concerning the  
35 development and financing of capital improvements or expansions  
36 of health science facilities

37

38       27. (New section) a. As used in sections 28 through 56 of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill)  
40 "Rowan University" shall, unless the context clearly indicates to the  
41 contrary, include and mean the public research university herein  
42 designated "Rowan University" as presently and hereafter  
43 constituted, including all departments, colleges, schools, centers,  
44 branches, educational and other units and extensions thereof,  
45 extension and cooperative education programs, continuing  
46 education programs, and all other departments of higher education  
47 maintained by the educational entity of the university.

1       b. As used in sections 28 through 56 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill), “university” shall mean  
3 “Rowan University.”  
4

5       28. (New section) There is hereby established a body corporate  
6 and politic to be known as Rowan University. The exercise by the  
7 university of the powers conferred by this act, including the  
8 presentation and operation of a four-year allopathic medical school,  
9 shall be deemed to be public and essential governmental functions  
10 necessary for the welfare of the State and the people of New Jersey.  
11

12       29. (New section) It is declared to be the public policy of the  
13 State that the university shall be given a high degree of self-  
14 government and that the governance and conduct of the university  
15 shall be free of partisanship.  
16

17       30. (New section) The board of trustees of the university is  
18 continued and shall have and exercise the powers, authority, rights  
19 and privileges and shall be subject to the duties, obligations, and  
20 responsibilities set forth in this act.  
21

22       31. (New section) a. The composition and size of the board of  
23 trustees shall be determined by the board; however, the board shall  
24 have not less than seven nor more than 15 members. The members  
25 shall be appointed by the Governor with the advice and consent of  
26 the Senate. The board of trustees shall recommend potential new  
27 members to the Governor. The terms of office of appointed  
28 members shall be for six years beginning on July 1 and ending on  
29 June 30. Each member shall serve until his successor shall have  
30 been appointed and qualified and vacancies shall be filled in the  
31 same manner as the original appointments for the remainders of the  
32 unexpired terms. Any member of a board of trustees may be  
33 removed by the Governor for cause upon notice and opportunity to  
34 be heard.

35       b. Members of the board as of the effective date of this act  
36 shall continue in office until the expiration of their respective terms  
37 and the qualification in office of their successors.

38       c. All voting members of the board of trustees, before  
39 undertaking the duties of their office, shall take and subscribe an  
40 oath or affirmation to support the Constitution of the State of New  
41 Jersey and of the United States, to bear allegiance to the  
42 government of the State, and to perform the duties of their office  
43 faithfully, impartially and justly, to the best of their ability.

44       d. Members of the board of trustees shall not receive  
45 compensation for their services. Each trustee shall be reimbursed  
46 for actual expenses reasonably incurred in the performance of his  
47 duties or in rendering service as a member of or on behalf of the  
48 board or any committee of the board.

1 e. The board of trustees shall elect its chairperson from among  
2 its voting members annually in July. The board shall select such  
3 other officers from among its members as shall be deemed  
4 necessary.

5 f. A voting member of the board of trustees shall not be a  
6 salaried official of the State of New Jersey, or receive remuneration  
7 for services from the university. No trustee shall be appointed who  
8 is an employee or paid official of any hospital affiliated with the  
9 university. If any member of the board shall become ineligible by  
10 reason of the foregoing, a vacancy in his office as trustee shall  
11 thereby occur.

12 g. The board of trustees shall have the power to appoint and  
13 regulate the duties, functions, powers and procedures of  
14 committees, standing or special, from its members and such  
15 advisory committees or bodies as it may deem necessary or  
16 conducive to the efficient management and operation of the  
17 university, consistent with this act and other applicable statutes.

18

19 32. (New section) The board of trustees of the university shall  
20 provide for the election of two student representatives, who shall be  
21 full-time, regularly matriculated students in good academic  
22 standing, and who shall be 18 years of age or older and citizens of  
23 the United States. The student representatives shall be elected by  
24 the members of the student government association to serve on the  
25 board of trustees for terms of two years commencing at the next  
26 organization of the board.

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

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

32 b. The standards for eligibility for student representatives on  
33 the board of trustees shall be the same as those required for other  
34 student government officers.

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

37 (1) Any matter involving the employment, appointment,  
38 termination of employment, terms and conditions of employment,  
39 evaluation of the performance of, promotion or disciplining of any  
40 specific prospective officer or employee or current officer or  
41 employee employed or appointed by the board, unless all the  
42 individual employees or appointees whose rights could be adversely  
43 affected request in writing that the matter or matters be discussed at  
44 a public meeting;

45 (2) Any matter involving the purchase, lease, acquisition or sale  
46 of real property with public funds, the setting of banking rates or  
47 investment of public funds, where it could adversely affect the  
48 public interest if discussion of these matters were disclosed; and



1 (3) Any pending or anticipated litigation in which the board is,  
2 or may become, a party, where it could adversely affect the public  
3 interest if discussion of these matters were disclosed, or any matters  
4 falling within the attorney-client privilege, to the extent that  
5 confidentiality is required in order for the attorney to exercise his  
6 ethical duties as a lawyer.

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

10  
11 33. (New section) The board of trustees of Rowan University  
12 shall have the general supervision over and be vested with the  
13 conduct of the university. It shall have the power and duty, subject  
14 to the approval of the Joint Rowan University-Rutgers Camden  
15 Board of Governors, to:

16 a. Adopt and use a corporate seal;

17 b. Determine the educational curriculum and program of the  
18 university;

19 c. Determine policies for the organization, administration, and  
20 development of the university;

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

26 e. Disburse all moneys appropriated to the university by the  
27 Legislature and all moneys received from tuition, fees, auxiliary  
28 services and other sources;

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

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

45 h. In accordance with the provisions of the State budget and  
46 appropriation acts of the Legislature, appoint, upon nomination of  
47 the president, such deans and other members of the academic,

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

1       r. Employ architects to plan buildings; secure bids for the  
2 construction of buildings and for the equipment thereof; make  
3 contracts for the construction of buildings and for equipment; and  
4 supervise the construction of buildings;

5       s. Manage and maintain, and provide for the payment of all  
6 charges on and expenses in respect of, all properties utilized by the  
7 university;

8       t. Borrow money and to secure the same by a mortgage on its  
9 property or any part thereof, and to enter into any credit agreement  
10 for the needs of the university, as deemed requisite by the board, in  
11 such amounts and for such time and upon such terms as may be  
12 determined by the board, provided that no such borrowing shall be  
13 deemed or construed to create or constitute a debt, liability, or a  
14 loan or pledge of the credit or be payable out of property or funds,  
15 other than moneys appropriated for that purpose, of the State;

16       u. Authorize any new program, educational department or  
17 school consistent with the programmatic mission of the institution  
18 or approved by the Secretary of Higher Education;

19       v. Adopt standing operating rules and procedures for the  
20 purchase of all equipment, materials, supplies and services;  
21 however, no contract on behalf of the university shall be entered  
22 into for the purchase of services, materials, equipment and supplies,  
23 for the performance of any work, or for the hiring of equipment or  
24 vehicles, where the sum to be expended exceeds \$30,700 or the  
25 amount determined by the Governor as provided herein, unless the  
26 university shall first publicly advertise for bids and shall award the  
27 contract to that responsible bidder whose bid, conforming to the  
28 invitation for bids, will be most advantageous to the university,  
29 price and other factors considered. Such advertising shall not be  
30 required in those exceptions created by the board of trustees of the  
31 university, which shall be in substance those exceptions contained  
32 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the  
33 supplying of any product or the rendering of any service by a public  
34 utility subject to the jurisdiction of the Board of Public Utilities of  
35 this State and tariffs and schedules of the charges made, charged, or  
36 exacted by the public utility for any such products to be supplied or  
37 services to be rendered are filed with the said board. Commencing  
38 July 1, 2013 and every two years thereafter, the Governor, in  
39 consultation with the Department of the Treasury, shall adjust the  
40 threshold amount set forth in this paragraph in direct proportion to  
41 the rise or fall of the consumer price index for all urban consumers  
42 in the New York City and the Philadelphia areas as reported by the  
43 United States Department of Labor. The Governor shall notify the  
44 university of the adjustment. The adjustment shall become effective  
45 on July 1 of the year in which it is reported.

46       This subsection shall not prevent the university from having any  
47 work performed by its own employees, nor shall it apply to repairs,  
48 or to the furnishing of materials, supplies or labor, or the hiring of

1 equipment or vehicles, when the safety or protection of its or other  
2 public property or the public convenience requires or the exigency  
3 of the university's service will not admit of such advertisement. In  
4 such case, the university shall, by resolution passed by the  
5 affirmative vote of its board of trustees, declare the exigency or  
6 emergency to exist, and set forth in the resolution the nature and  
7 approximate amount to be expended; shall maintain appropriate  
8 records as to the reason for such awards; and shall report regularly  
9 to its board of trustees on all such purchases, the amounts and the  
10 reasons therefor;

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

15 Investment in not-for-profit corporations or for-profit  
16 corporations organized and operated pursuant to the provisions of  
17 subsection x. of this section may utilize income realized from the  
18 sale or licensing of intellectual property as well as the reinvestment  
19 of earnings on intellectual property. Investment in not-for-profit  
20 corporations may also utilize income from the operation of faculty  
21 practice plans of the university and income from overhead grant  
22 fund recovery as permitted by federal law as well as other  
23 university funds except those specified in paragraph 5 of subsection  
24 x. of this section;

25 x. (1) Participate as the general partner or as a limited partner,  
26 either directly or through a subsidiary corporation created by the  
27 university, in limited partnerships, general partnerships, or joint  
28 ventures engaged in the development, manufacture, or marketing of  
29 products, technology, scientific information or health care services  
30 and create or form for-profit or not-for-profit corporations to  
31 engage in such activities; provided that any such participation shall  
32 be consistent with the mission of the university and the board shall  
33 have determined that such participation is prudent;

34 (2) The decision to participate in any activity described in  
35 paragraph (1) of this subsection, including the creation or formation  
36 of for-profit or not-for-profit corporations, shall be articulated in the  
37 minutes of the board of trustees meeting in which the action was  
38 approved;

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

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

45 (5) Funds directly appropriated to the university from the State  
46 or derived from the university's academic programs or derived from  
47 payment for coverage provided by the self insurance fund for claims  
48 accruing prior to the effective date of this act shall not be utilized

1 by the for-profit or not-for-profit corporations organized and  
2 operated pursuant to this subsection in the development,  
3 manufacture, or marketing of products, technology or scientific  
4 information;

5 (6) Employees of any joint venture, subsidiary corporation,  
6 partnership, or other jural entity entered into or owned wholly or in  
7 part by the university shall not be deemed public employees;

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

11 (8) Income realized by the university as a result of participation  
12 in the development, manufacture, or marketing of products,  
13 technology, or scientific information may be invested or reinvested  
14 pursuant to subsection w. of this section or any other provision of  
15 this act or State or federal law or retained by the board for use in  
16 furtherance of any of the purposes of this act or of other applicable  
17 statutes;

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

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

23 z. Retain independent counsel including representation by the  
24 Attorney General in accordance with subsection h. of section 6 of  
25 P.L.1994, c.48 (C.18A:3B-6);

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

40 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
41 administered by the State Treasurer shall continue to be available to  
42 the university solely to indemnify and defend claims against the  
43 university and its employees, officers and servants but only to the  
44 extent that the university has elected on behalf of itself and its  
45 employees to obtain representation from the Attorney General  
46 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
47 6) and such entity or individuals would have been entitled to  
48 defense and indemnification pursuant to the "New Jersey Tort

1 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
2 employee but for the provision of subsection z. of this section.  
3 Any expenditure of such funds shall be made only in accordance  
4 with the provisions of the "New Jersey Tort Claims Act,"  
5 N.J.S.59:1-1 et seq., including but not limited to the provisions of  
6 chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes.  
7 Nothing herein shall be construed to authorize the use of the Self-  
8 Insurance Trust Fund to indemnify or insure in any way, directly or  
9 indirectly the activities of any joint venture, partnership or  
10 corporation entered into or created by the university pursuant to  
11 subsection x. of this section;

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

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

21 dd. Establish a procedure for the confidential, anonymous  
22 submission of employee concerns regarding alleged wrongdoing at  
23 the university.

24

25 34. (New section) All functions, powers and duties relating to  
26 the investment or reinvestment of funds other than those funds  
27 specified in subsection w. of section 33 of P.L. , c. (C. )  
28 (pending before the Legislature as this bill) within the jurisdiction  
29 of the board of trustees including the purchase, sale, or exchange of  
30 any investments or securities may be exercised and performed by  
31 the Director of the Division of Investment in the Department of the  
32 Treasury in accordance with the provisions of P.L.1950, c.270  
33 (C.52:18A-79 et seq.) if so authorized by the board. Sections 35  
34 and 36 of P.L. , c. (C. ) (pending before the Legislature as this  
35 bill) shall only be applicable in the event of such an election.  
36 Before any such investment, reinvestment, purchase, sale, or  
37 exchange shall be made by the director for or on behalf of the board  
38 of trustees, the Director of the Division of Investment shall submit  
39 the details thereof to the board, which shall, itself or by its finance  
40 committee, within 48 hours, exclusive of Sundays and public  
41 holidays, after such submission to it, file with the director its  
42 written acceptance or rejection of such proposed investment,  
43 reinvestment, purchase, sale, or exchange; and the director shall  
44 have authority to make such investment, reinvestment, purchase,  
45 sale, or exchange for or on behalf of the board, unless there shall  
46 have been filed with him a written rejection thereof by the board or  
47 its finance committee as herein provided. The board of trustees  
48 shall determine from time to time the cash requirements of the

1 various funds and accounts established by it and the amount  
2 available for investment, all of which shall be certified to the State  
3 Treasurer and the Director of the Division of Investment.

4 The finance committee of the board of trustees shall consist of  
5 three members of the board who shall be appointed in the same  
6 manner and for the same term as other committees of the board are  
7 appointed.

8  
9 35. (New section) The Director of the Division of Investment in  
10 the Department of the Treasury, in addition to other investments,  
11 presently or from time to time hereafter authorized by law, shall  
12 have authority, subject to any acceptance required, to invest and  
13 reinvest such funds in, and to acquire for or on behalf of the board  
14 such bonds or other evidence of indebtedness or capital stock or  
15 other securities issued by any company incorporated within the  
16 United States or within the Dominion of Canada, which shall be  
17 authorized or approved for investment by regulation of the State  
18 Investment Council and in which life insurance companies  
19 organized under the laws of this State may legally invest.

20  
21 36. (New section) The State Treasurer shall be the custodian of  
22 the board's investment funds, shall select all depositories and  
23 custodians and shall negotiate and execute custody agreements in  
24 connection with the assets or investments of any said funds.

25  
26 37. (New section) The university shall maintain an Internet  
27 website for the board of trustees. The purpose of the website shall  
28 be to provide increased public access to board operations and  
29 activities. The following information shall be posted on the board's  
30 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 38. (New section) The board of trustees, in addition to the other  
44 powers and duties provided herein, shall be vested with the right of  
45 perpetual succession and shall have and exercise all the powers,  
46 rights, and privileges that are incident to the proper governance,  
47 conduct, and management of the university and the control of its  
48 properties and funds and such powers granted to the university or

1 the board or reasonably implied, may be exercised without recourse  
2 or reference to any department or agency of the State, except as  
3 otherwise provided by this act.

4  
5 39. (New section) The board shall appoint and fix the  
6 compensation of a president of the university. The president shall  
7 be responsible to the board of trustees and shall have such powers  
8 as shall be requisite for the executive management and conduct of  
9 the university in all departments, branches and divisions, and for the  
10 execution and enforcement of bylaws, ordinances, rules,  
11 regulations, statutes, and orders governing the management,  
12 conduct and administration of the university.

13  
14 40. (New section) No trustee or officer of the university shall be  
15 personally liable for any debt, obligation, or other liability of the  
16 university or incurred by or on behalf of the university or any  
17 constituent unit thereof.

18  
19 41. (New section) The board of trustees shall advise the  
20 Governor and Legislature, in consultation with the Secretary of  
21 Higher Education and the President's Council and successor bodies,  
22 on the manner in which the facilities and services of the university  
23 may be utilized so as to increase the efficiency of the public  
24 education system and provide, maintain, and improve upon the  
25 quality of higher education for the people of the State. The board of  
26 trustees shall make recommendations to the Governor and the  
27 Legislature respecting the needs for the facilities and services of the  
28 university as an educational instrumentality of the State for that  
29 purpose.

30  
31 42. (New section) Subject to the provisions of P.L.1969, c.242  
32 (C.18A:66-167 et seq.) and except as otherwise provided by law,  
33 the university shall be deemed to be an employer for the purposes  
34 of the "Public Employees' Retirement System Act," P.L.1954, c.84  
35 (C.43:15A-1 et seq.), and shall also be deemed to be a "public  
36 agency or organization" within the meaning of section 71 of that act  
37 (C.43:15A-71). Further, the university's commissioned police  
38 officers shall be eligible for participation in and subject to the  
39 provisions of the "Police and Firemen's Retirement Systems Act,"  
40 P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall be  
41 deemed an employer within the meaning of that act.

42  
43 43. (New section) Nothing herein contained shall be construed  
44 to impair, annul or affect any vested rights, grants, privileges,  
45 exemptions, immunities, powers, prerogatives, franchises, or  
46 advantages heretofore obtained or enjoyed by the university or any  
47 constituent unit thereof, under any authority or any act of this State  
48 or under any grant, deed, conveyance, transfer, lease, estate,



1 remainder, expectancy, trust, gift, donation, legacy, devise,  
2 endowment or fund, all of which are hereby ratified and confirmed  
3 except insofar as the same may have expired, be or have been  
4 repealed or altered, or may be inconsistent with this act or with  
5 existing provisions of law; subject however, thereto and to all of the  
6 rights, obligations, relations, conditions, terms, trust, duties, and  
7 liabilities to which the same are subject.

8  
9 44. (New section) The enactment and adoption of this act shall  
10 not, of itself, affect the official, operational, or organizational status  
11 of any officer of the university or any and all outstanding  
12 authorizations of any officer, agent, or employee to take specified  
13 action, or any and all outstanding commitments or undertakings of  
14 or by the university, except and only to the extent that any of the  
15 same may be inconsistent with this act.

16  
17 45. (New section) Upon the establishment of the body corporate  
18 and politic known as Rowan University:

19 a. All appropriations available to Rowan University prior to the  
20 effective date of this act and to become available shall be  
21 transferred to the university by the Director of the Division of  
22 Budget and Accounting in the Department of the Treasury and shall  
23 be available for the objects and purposes for which appropriated,  
24 subject to any terms, restrictions, limitations or other requirements  
25 imposed by the State budget;

26 b. All other grants, gifts, other moneys and property available  
27 to Rowan University prior to the effective date of this act and to  
28 become available to or for Rowan University shall be transferred to  
29 the university and shall be available for the objects and purposes of  
30 the university, subject to any terms, restrictions, limitations or other  
31 requirements imposed by State and federal law or otherwise;

32 c. All employees of Rowan University prior to the effective  
33 date of this act shall become employees of the university. Nothing  
34 in this act shall be construed so as to deprive any person of any  
35 right of tenure or under any retirement system or to any pension,  
36 disability, social security or similar benefit, to which the person is  
37 entitled by law or contractually;

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

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

45  
46 46. (New section) This act shall not affect actions or  
47 proceedings, civil or criminal, brought by or against Rowan  
48 University, but such actions or proceedings may be prosecuted or

1 defended in the same manner and to the same effect by the  
2 university as if the foregoing provisions had not taken effect; nor  
3 shall any of the foregoing provisions affect any order or regulation  
4 made by, or other matters or proceedings before, Rowan University,  
5 and all such matters or proceedings pending before Rowan  
6 University on the effective date of this act shall be continued by the  
7 university, as if the foregoing provisions had not taken effect.

8  
9 47. (New section) Whenever in any law, rule, regulation,  
10 contract, document, judicial or administrative proceeding or  
11 otherwise, reference is made to Rowan University, the same shall  
12 mean and refer to Rowan University, herein referred to as  
13 "university," established as a public research university pursuant to  
14 the provisions of this act.

15  
16 48. (New section) The general powers of supervision and  
17 control of the Secretary of Higher Education at the request of the  
18 Governor over Rowan University include the power to visit the  
19 university to examine into its manner of conducting its affairs and  
20 to enforce an observance of its laws and regulations and the laws of  
21 the State.

22  
23 49. (New section) Notwithstanding any of the provisions of the  
24 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to  
25 the contrary, contract claims and suits against the university shall be  
26 governed by that act.

27  
28 50. (New section) Every contract or agreement negotiated,  
29 awarded or made pursuant to this act shall contain a suitable  
30 warranty by the contractor that no person or selling agency has  
31 been employed or retained to solicit or secure such contract upon an  
32 agreement or understanding for a commission, percentage,  
33 brokerage or contingent fee, except bona fide employees or bona  
34 fide established commercial or selling agencies maintained by the  
35 contractor for the purpose of securing business, for the breach or  
36 violation of which warranty the university shall have the right to  
37 annul such contract without liability or in its discretion to deduct  
38 from the contract price or consideration the full amount of such  
39 commission, percentage, brokerage or contingent fee.

40  
41 51. (New section) Any person willfully authorizing, consenting  
42 to, making or procuring to be made payment of university funds for  
43 or on account of any purchase, contract or agreement known to him  
44 to have been made or entered into in violation of any of the  
45 provisions of this act shall be guilty of a misdemeanor.

46  
47 52. (New section) The payment of any fee, commission or  
48 compensation of any kind or the granting of any gift or gratuity of

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

12

13 53. (New section) The provisions of this act shall not alter the  
14 term of any member of the board, not specifically abolished herein,  
15 lawfully in office as of the effective date of this act, or require the  
16 reappointment thereof.

17

18 54. (New section) No provision of this act shall be deemed or  
19 construed to create or constitute a debt, liability, or a loan or pledge  
20 of the credit, of the State of New Jersey.

21

22 55. (New section) This act, being deemed and declared  
23 necessary for the welfare of the State and the people of New Jersey  
24 to provide for the development of public higher education in the  
25 State and thereby to improve the quality and increase the efficiency  
26 of the public system of educational services of the State, shall be  
27 liberally construed to effectuate the purposes and intent thereof.

28

29 56. (New section) In accordance with the provisions of section  
30 27 of P.L.1994, c.48 (C.18A:3B-27), the university is allocated to  
31 the Department of State for the purposes of complying with the  
32 provisions of Article V, Section IV, Paragraph 1 of the New Jersey  
33 Constitution. Notwithstanding this allocation, the university shall  
34 be independent of any supervision or control of the Department of  
35 State or any board, commission, or officer thereof and the allocation  
36 shall not in any way affect the principles of institutional autonomy  
37 established by that act and as otherwise enumerated herein.

38

39 57. Section 2 of P.L.1991, c.387 (C.2A:14-1.2) is amended to  
40 read as follows:

41 2. a. Except where a limitations provision expressly and  
42 specifically applies to actions commenced by the State or where a  
43 longer limitations period would otherwise apply, and subject to any  
44 statutory provisions or common law rules extending limitations  
45 periods, any civil action commenced by the State shall be  
46 commenced within ten years next after the cause of action shall  
47 have accrued.

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

5       c. As used in this act, the term "State" means the State, its  
6 political subdivisions, any office, department, division, bureau,  
7 board, commission or agency of the State or one of its political  
8 subdivisions, and any public authority or public agency, including,  
9 but not limited to, the New Jersey Transit Corporation【 and the  
10 University of Medicine and Dentistry of New Jersey】.

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

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

19  
20       58. N.J.S.11A:6-6 is amended to read as follows:

21       11A:6-6. State administrative leave. Administrative leave for  
22 personal reasons including religious observances for full-time State  
23 employees or those employees of Rutgers, The State University,  
24 New Jersey Institute of Technology and 【the University of  
25 Medicine and Dentistry of New Jersey】 Rowan University who  
26 perform services similar to those performed by employees of the  
27 New Jersey State colleges who are in the career service shall be  
28 three working days per calendar year. Administrative leave shall  
29 not be cumulative and any administrative leave unused by an  
30 employee at the end of any year shall be cancelled.

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

32  
33       59. N.J.S.11A:6-17 is amended to read as follows:

34       11A:6-17. Supplemental compensation; employees of Rutgers,  
35 The State University, New Jersey Institute of Technology, and 【the  
36 University of Medicine and Dentistry of New Jersey】 Rowan  
37 University. The supplemental compensation provided under this  
38 chapter shall also be paid to each employee of Rutgers, The State  
39 University, New Jersey Institute of Technology, 【and the University  
40 of Medicine and Dentistry of New Jersey】, and Rowan University  
41 who performs services similar to those performed by employees of  
42 the New Jersey State colleges who are in the career service or who  
43 have been granted sick leave under terms and conditions similar to  
44 career service employees, including those employees of 【the  
45 University of Medicine and Dentistry of New Jersey】 Rutgers, The

1 State University who are members of the Newark Employees'  
2 Retirement System.  
3 (cf: N.J.S.11A:6-17)  
4

5 60. Section 4 of P.L.2003, c.193 (C.17B:27D-4) is amended to  
6 read as follows:

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

32 The President of the Senate may appoint two members of the  
33 Senate, no more than one of whom shall be from the same political  
34 party, to serve as nonvoting members of the commission. The  
35 Speaker of the General Assembly may appoint two members of the  
36 General Assembly, no more than one of whom shall be from the  
37 same political party, to serve as nonvoting members of the  
38 commission. The legislative members shall serve during their  
39 legislative term of office.

40 Of the voting members first appointed, four shall serve for a term  
41 of two years, four for a term of three years and three for a term of  
42 four years.

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

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

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

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

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

7       "Commission" means the New Jersey Commission on Higher  
8 Education established by this act;

9       "Council" means the New Jersey Presidents' Council established  
10 by this act;

11       "Programmatic Mission" means all program offerings consistent  
12 within those levels of academic degrees or certificates that the  
13 institution has been authorized to grant by the State Board of  
14 Higher Education prior to the effective date of this act or approved  
15 thereafter by the commission;

16       "Public Research University" means Rutgers, The State  
17 University of New Jersey, [the University of Medicine and  
18 Dentistry of New Jersey] Rowan University, and the New Jersey  
19 Institute of Technology;

20       "State college" means any of the State colleges or universities  
21 established pursuant to chapter 64 of Title 18A of the New Jersey  
22 Statutes including any State college designated as a teaching  
23 university.

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

25

26       62. Section 12 of P.L.1994, c.48 (C.18A:3B-12) is amended to  
27 read as follows:

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

31       The president of Rutgers, The State University;

32       [The president of the University of Medicine and Dentistry of  
33 New Jersey];

34       The president of New Jersey Institute of Technology;

35       The president of Rowan University;

36       Three presidents of State Colleges who shall be selected by the  
37 presidents of this sector;

38       Five presidents of county colleges who shall be selected by the  
39 presidents of this sector;

40       Three presidents of independent institutions who shall be  
41 selected by the presidents of this sector;

42       One president of the proprietary schools which have been  
43 authorized to offer licensed degree programs who shall be selected  
44 by the presidents of these proprietary schools.

45       b. The chair of the executive board shall be rotated among the  
46 following: one of the presidents of Rutgers, The State University of  
47 New Jersey, the president of [the University of Medicine and

1 Dentistry of New Jersey】 Rowan University, and the president of  
2 New Jersey Institute of Technology; a president selected by the  
3 presidents of the State Colleges; a president selected by the  
4 presidents of the county colleges; and a president selected by the  
5 presidents of the independent institutions. The chair of the  
6 executive board shall serve for a two-year period. Biennially, the  
7 executive board shall select the chair in the manner provided above,  
8 but not necessarily in the order provided above.

9 c. The chair of the executive board shall also serve as the chair  
10 of the council.

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

12  
13 63. Section 1 of P.L.2009, c.308 (C.18A:3B-46) is amended to  
14 read as follows:

15 1. As used in this act:

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

19 "Public research university" means Rutgers, The State University  
20 of New Jersey, 【the University of Medicine and Dentistry of New  
21 Jersey】 Rowan University, and the New Jersey Institute of  
22 Technology;

23 "State college" means the State colleges or universities  
24 established pursuant to chapter 64 of Title 18A of the New Jersey  
25 Statutes.

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

27  
28 64. Section 2 of P.L.2007, c.171 (C.18A:26-2.9) is amended to  
29 read as follows:

30 2. a. The Commissioner of Education shall develop  
31 recommendations for autism and other developmental disabilities  
32 awareness instruction and methods of teaching students with autism  
33 and other developmental disabilities for teacher preparation  
34 programs in accordance with section 1 of this act and shall submit  
35 the recommendations to the State Board of Education. In  
36 developing the recommendations, the commissioner shall consult  
37 with the Commissioner of Health and Senior Services,  
38 representatives from entities that promote awareness about autism  
39 and other developmental disabilities and provide programs and  
40 services to people with autism and other developmental disabilities,  
41 including, but not limited to Autism Speaks, The Autism Center of  
42 New Jersey Medical School at 【the University of Medicine and  
43 Dentistry of New Jersey】 Rutgers, The State University, and The  
44 New Jersey Center for Outreach and Services for the Autism  
45 Community, and representatives of the education community,  
46 including, but not limited to the New Jersey Education Association,  
47 the New Jersey School Boards Association, the New Jersey

1 Principals and Supervisors Association, and the New Jersey  
2 Professional Teaching Standards Board.

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

23 c. The recommendations developed by the commissioner  
24 pursuant to subsections a. and b. of this section shall address the  
25 following:

26 (1) characteristics of students with autism and other  
27 developmental disabilities;

28 (2) curriculum planning, curricular and instructional  
29 modifications, adaptations, and specialized strategies and  
30 techniques;

31 (3) assistive technology; and

32 (4) inclusive educational practices, including collaborative  
33 partnerships.

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

35

36 65. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to  
37 read as follows:

38 1. There is established a body corporate and politic, with  
39 corporate succession, to be known as the New Jersey Association of  
40 State Colleges and Universities. New Jersey City University, Kean  
41 University, Montclair State University, Ramapo College of New  
42 Jersey, Richard Stockton College of New Jersey, [Rowan  
43 University,] Thomas Edison State College, The College of New  
44 Jersey and The William Paterson University of New Jersey shall  
45 constitute the membership of the association.

46 (cf: P.L.1999, c.46, s.35)



1       66. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to  
2 read as follows:

3       2. The association shall consist of ~~【nine】~~ eight voting members  
4 to be appointed as follows: one member from each member  
5 institution's boards of trustees, appointed by the members thereof.  
6 In addition the presidents of the member institutions shall serve as  
7 ex officio, nonvoting members.

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

11

12       67. Section 3 of P.L.2006, c.95 (C.18A:64G-6.1) is amended to  
13 read as follows:

14       3. a. The management, supervision, and administration of  
15 University Hospital shall be vested in a ~~【nine-member】~~ 12-member  
16 board of directors of University Hospital. The board shall be  
17 comprised of ~~【four members of the board of trustees of the~~  
18 University of Medicine and Dentistry of New Jersey who shall  
19 serve ex officio and be appointed by the chairman of the board and  
20 five】;

21       (1) three members who shall serve ex-officio, without vote,  
22 including: the Dean of New Jersey Medical School, the Dean of  
23 New Jersey Dental School, and the Commissioner of Health and  
24 Senior Services; and

25       (2) nine public members, who shall be appointed by the  
26 Governor, with the advice and consent of the Senate, for a five-year  
27 term【; except that in the case of the initial gubernatorial  
28 appointments to the board of directors, two shall serve for a term of  
29 two years, one for a term of three years, one for a term of four  
30 years, and one for a term of five years】.

31       A person who is a member of the board of directors on the  
32 effective date of P.L. , c. (C. )(pending before the Legislature  
33 as this bill) shall be permitted to serve for the balance of the term  
34 for which that person was appointed.

35       A member of the board of directors shall serve until ~~【his】~~ the  
36 member's successor is appointed and has qualified. Any vacancies  
37 in the membership occurring other than by expiration of term shall  
38 be filled in the same manner as the original appointment but for the  
39 unexpired term only. Each member of the board of directors before  
40 entering upon ~~【his】~~ the member's duties shall take and subscribe an  
41 oath to perform the duties of ~~【his】~~ the office faithfully, impartially,  
42 and justly to the best of ~~【his】~~ the member's ability. A record of the  
43 oath shall be filed in the office of the Secretary of State. Each  
44 member of the board may be removed from office by the Governor,  
45 for cause, after a public hearing.

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

4       c. The Governor shall designate one of the members as  
5 chairman of the board of directors. The board shall select the other  
6 officers from among its members as shall be deemed necessary.

7       d. The board of directors shall have the power to appoint and  
8 regulate the duties and procedures of committees, standing or  
9 special, from its members and such advisory committees or bodies,  
10 as it may deem necessary or conducive to the efficient management  
11 and operation of the hospital.

12       e. The board shall have the power and duty to:

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

14       (2) borrow money;

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

17       (4) solicit and accept grant moneys;

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

19       (6) sue and be sued;

20       (7) enter into a contract or other agreement with a '[for-profit  
21 or]' nonprofit corporation operating one or more hospitals in New  
22 Jersey to operate and manage or assist in the operation and  
23 management of University Hospital, without engaging in a  
24 competitive bidding process; and

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

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

28

29       68. Section 1 of P.L.1999, c.353 (C.18A:64G-35) is amended to  
30 read as follows:

31       1. There is established a "Physician-Dentist Fellowship and  
32 Education Program to Provide Health Care to Persons with  
33 Developmental Disabilities" within **the University of Medicine and**  
34 **Dentistry of New Jersey** Rutgers, The State University. The  
35 purpose of the program is to provide physicians and dentists with  
36 graduate and fellowship training through academic institutions in  
37 the State and continuing medical and dental education on a  
38 Statewide basis, in the provision of medical and dental services to  
39 persons with developmental disabilities to ensure that these services  
40 are accessible and adequately available to persons with  
41 developmental disabilities in the State.

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

43

44       69. Section 2 of P.L.1999, c.353 (C.18A:64G-36) is amended to  
45 read as follows:

46       2. There is established a 17-member Consortium on Physician  
47 and Dentist Training in Health Care for Persons with

1 Developmental Disabilities to advise the director of the program on  
2 the implementation of this act.

3 a. The members of the consortium shall include: one  
4 representative each from the pediatric medicine, family medicine,  
5 internal medicine, neurology and psychiatry programs at [the  
6 University of Medicine and Dentistry of New Jersey] Rutgers, The  
7 State University, one representative from the New Jersey Dental  
8 School, and one representative of the University Affiliated  
9 Program, to be appointed by the President of [the University of  
10 Medicine and Dentistry of New Jersey] Rutgers, The State  
11 University; the director of the Mainstreaming Medical Care  
12 program of The Arc of New Jersey, who shall serve ex officio; the  
13 Director of the Division of Developmental Disabilities in the  
14 Department of Human Services, who shall serve ex officio; the  
15 Director of the Division of Medical Assistance and Health Services  
16 in the Department of Human Services, who shall serve ex officio;  
17 the Commissioner of Health and Senior Services or the  
18 commissioner's designee, who shall serve ex officio; three health  
19 care provider public members appointed by the Commissioner of  
20 Human Services, one each upon the recommendation of the Medical  
21 Society of New Jersey, the New Jersey Association of Osteopathic  
22 Physicians and Surgeons and the New Jersey Dental Association;  
23 and three public members appointed by the Commissioner of  
24 Human Services, two of whom shall represent community  
25 organizations that advocate for persons with developmental  
26 disabilities and one of whom shall be a family member of a person  
27 with a developmental disability or a person with a developmental  
28 disability who is a self advocate.

29 The President of the University of Medicine and Dentistry of  
30 New Jersey and the Commissioner of Human Services shall make  
31 the appointments to the consortium within 60 days of the effective  
32 date of this act.

33 Members of the consortium shall serve for a term of three years  
34 and are eligible for reappointment, but of the members first  
35 appointed, five shall serve for a term of one year, four for a term of  
36 two years and four for a term of three years. Vacancies shall be  
37 filled in the same manner as the original appointments were made.

38 b. Members shall serve without compensation, but the public  
39 members shall be entitled to reimbursement for necessary expenses  
40 incurred in the performance of their duties and within the limits of  
41 funds appropriated to the program.

42 c. The consortium shall organize as soon as may be practicable  
43 after the appointment of its members. The Director of the Division  
44 of Developmental Disabilities shall serve as the chairman of the  
45 consortium. The members of the consortium shall elect a vice-  
46 chairman from among the members. All members, including ex  
47 officio members, shall be eligible to vote on all matters before the

1 consortium. The director of the program, appointed pursuant to  
2 section 5 of this act, shall serve as secretary to the consortium.

3 d. The consortium shall assist the director of the program in  
4 establishing policies and procedures for the nomination and  
5 selection of physicians and dentists as program fellows. The  
6 consortium shall otherwise advise the director on the operation of  
7 the program as the director deems necessary, and as specified in this  
8 act.

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

10

11 70. Section 5 of P.L.1999, c.353 (C.18A:64G-39) is amended to  
12 read as follows:

13 5. The President of **the University of Medicine and Dentistry**  
14 **of New Jersey** Rutgers, The State University shall, in consultation  
15 with the consortium, appoint a director for the program who shall  
16 be a State licensed physician. The director of the program need not  
17 be solely responsible for the program and may continue to have  
18 other duties. The director may, in consultation with the consortium,  
19 appoint regional chairmen or chairmen of medical or dental practice  
20 specialties, as the director deems necessary for the operation of the  
21 program.

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

23

24 71. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to  
25 read as follows:

26 4. The council shall consist of 15 members, 12 voting members  
27 and three nonvoting members; four members of the council shall be  
28 appointed by the Governor and 11 shall be ex officio members. The  
29 appointments shall consist of three representatives of the public and  
30 one student currently enrolled in a graduate medical training  
31 program; the appointed members shall be voting members of the  
32 council. The president of **the University of Medicine and**  
33 **Dentistry of New Jersey** Rutgers, The State University, who shall  
34 serve as chairperson; a dean from one of the medical schools of  
35 **the University of Medicine and Dentistry of New Jersey** Rutgers,  
36 The State University, to be selected by the president of **the**  
37 **University of Medicine and Dentistry of New Jersey** Rutgers, The  
38 State University; the dean of the School of Graduate Medical  
39 Education of Seton Hall University; the president of the New Jersey  
40 Hospital Association; the president of the Association of Hospital  
41 Directors of Medical Education of New Jersey; the president of the  
42 New Jersey Association of Osteopathic Physicians and Surgeons;  
43 the president of the Medical Society of New Jersey; and the  
44 president of the New Jersey Council of Teaching Hospitals or their  
45 designated representatives shall be ex officio, voting members of  
46 the council. The Commissioner of Health and Senior Services; the  
47 president of the State Board of Medical Examiners and the

1 Commissioner of Human Services or their designated  
2 representatives shall be ex officio, nonvoting members. The  
3 appointed members shall serve for a three-year term or until a  
4 successor is appointed. For those first appointed, two shall be  
5 appointed for a one-year term; one shall be appointed for a two-year  
6 term; and one shall be appointed for a three-year term. Any  
7 vacancies in the voting membership other than by expiration of term  
8 shall be filled in the same manner as the original appointment but  
9 for the unexpired term only. To assist the council in carrying out  
10 the intent of this act:

11 a. The council may appoint advisory committees representative  
12 of the medical and health care professions, educators, and students,  
13 representatives of medical and health care facilities and consumers.  
14 The advisory committees shall provide advice and assistance to the  
15 council for the council's performance of its designated functions.

16 b. The council may employ an executive director and  
17 additional staff to provide expertise in the gathering and analysis of  
18 data and administration. The executive director shall have the right  
19 to speak on all matters at meetings of the council but shall have no  
20 vote. The council and the advisory committees shall serve without  
21 compensation, but shall be reimbursed for necessary expenses  
22 incurred in the performance of their duties.

23 (cf: P.L.2008, c.5, s.1)  
24

25 72. Section 1 of P.L.2003, c.133 (C.18A:64H-9) is amended to  
26 read as follows:

27 1. a. There is created, within the **【Commission on Higher**  
28 **Education】** Office of the Secretary of Higher Education, the  
29 "Advisory Committee on Alternatively Accredited Medical School  
30 Clinical Clerkships."

31 The advisory committee shall consist of 11 members as follows:  
32 the Commissioner of Health and Senior Services or his designee,  
33 who shall serve ex officio; four members appointed by the  
34 Governor who include one representative of the Medical Society of  
35 New Jersey, one representative of the New Jersey Association of  
36 Osteopathic Physicians and Surgeons, one representative of the  
37 New Jersey Hospital Association and one representative of an  
38 alternatively accredited medical school; two members appointed by  
39 the President of the Senate who include one representative of the  
40 New Jersey Council of Teaching Hospitals and one representative  
41 of a teaching hospital in New Jersey that has students from an  
42 alternatively accredited medical school participating in a clinical  
43 clerkship program; two members appointed by the Speaker of the  
44 General Assembly who include one representative of an  
45 alternatively accredited medical school and one representative of a  
46 teaching hospital in New Jersey that has students from a medical  
47 school of **【the University of Medicine and Dentistry of New Jersey】**  
48 Rutgers, The State University in a clinical clerkship program; one

1 member appointed by the State Board of Medical Examiners; and  
2 one member appointed by the President of [the University of  
3 Medicine and Dentistry of New Jersey] Rutgers, The State  
4 University. No two members of the advisory committee shall be  
5 representatives of the same medical school or hospital.

6 b. Members shall serve for a term of three years from the date  
7 of their appointment and until their successors are appointed and  
8 qualified, except that of the members first appointed, four members  
9 shall serve for a term of one year, three members shall serve for a  
10 term of two years and three members shall serve for a term of three  
11 years. Vacancies shall be filled for the balance of the unexpired  
12 term in the same manner as the original appointments were made.  
13 A member of the advisory committee shall be eligible for  
14 reappointment.

15 c. The members of the advisory committee shall serve without  
16 compensation, but shall be reimbursed for necessary and reasonable  
17 expenses actually incurred in the performance of their duties, within  
18 the limits of funds appropriated or otherwise made available to the  
19 advisory committee for this purpose.

20 d. The advisory committee shall select a chairman from among  
21 its members, who shall serve a one-year term but may serve  
22 successive terms. The advisory committee shall meet upon the call  
23 of the chairman or of a majority of its members. A majority of the  
24 members of the advisory committee shall constitute a quorum, and  
25 no action of the advisory committee shall be taken except upon the  
26 affirmative vote of a majority of the members of the entire advisory  
27 committee.

28 e. As used in this act, "alternatively accredited medical school"  
29 means a medical school located outside the United States: (1) in a  
30 country that applies accreditation standards that have been  
31 determined by the National Committee on Foreign Medical  
32 Education and Accreditation within the United States Department of  
33 Education to be comparable to the accreditation standards applied to  
34 medical schools located within the United States; (2) that continues  
35 to meet the accreditation standards of that country; and (3) has  
36 medical school students participating in a clinical clerkship program  
37 in New Jersey prior to the effective date of this act, or is approved  
38 by the Advisory Graduate Medical Education Council of New  
39 Jersey pursuant to section 4 of this act to operate a clinical clerkship  
40 program in this State.

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

42  
43 73. Section 2 of P.L.1985, c.103 (C.18A:64J-2) is amended to  
44 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  
48 private institutions of higher education, which are provided

1 substantial and concentrated financial support to promote their  
2 development into national-level bases for innovative technology  
3 research.

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

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

12 d. "Consortium" means a cooperative arrangement between two  
13 or more institutions of higher education to pursue a program for  
14 strengthening academic programs, improving administration or  
15 providing for other special needs.

16 e. "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 f. "Private institutions of higher education" means independent  
24 colleges, universities or institutes incorporated and located in New  
25 Jersey, 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 g. "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 h. "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.103, s.2)

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

3       3. There is established the Advanced Technology Center in  
4 Hazardous and Toxic Substance Management, hereinafter referred  
5 to as the center, at the New Jersey Institute of Technology in the  
6 City of Newark, County of Essex with the cooperation of a research  
7 and public policy consortium led by the New Jersey Institute of  
8 Technology and including Stevens Institute of Technology, [the  
9 University of Medicine and Dentistry of New Jersey] and Rutgers,  
10 The State University. Various other public and private institutions  
11 of higher education and their faculties may be considered for  
12 participation in the work of the center in the future by the  
13 commission.  
14 (cf: P.L.1985, c.103, s.3)

15  
16       75. Section 2 of P.L.1985, c.104 (C.18A:64J-9) is amended to  
17 read as follows:

18       2. For the purposes of this act:

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

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

30       c. "Commission" means the Governor's Commission on  
31 Science and Technology as created by Executive Order No. 12 of  
32 1982 or its successor which is established by the Legislature.

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

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



1 provisions of the Constitution of the United States and the  
2 Constitution of the State of New Jersey, but does not include any  
3 educational institution dedicated primarily to the education or  
4 training of ministers, priests, rabbis or other professional persons in  
5 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 universities to existing  
15 industry, but also adapt these innovations to the requirements of  
16 individual business operations.

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

18

19 76. Section 2 of P.L.1985, c.105 (C.18A:64J-16) is amended to  
20 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 Governor's Commission on  
34 Science and Technology as created by Executive Order No. 12 of  
35 1982 or its successor which is established by the Legislature.

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 which provide a level of education which is equivalent to the  
48 education provided by the State's public institutions of higher

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

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

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

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

21  
22 77. Section 3 of P.L.1985, c.105 (C.18A:64J-17) is amended to  
23 read as follows:

24 3. There is established the Advanced Technology Center in  
25 Biotechnology (hereinafter referred to as the center) under the  
26 [joint] governance of Rutgers, The State University [and the  
27 University of Medicine and Dentistry of New Jersey] and with the  
28 participation of other public and private institutions of higher  
29 education and faculties who may be considered for participation in  
30 the work of the center in the future by the commission. The center  
31 shall be composed of various units at locations designated by the  
32 participating institutions, with the approval of the commission.

33 (cf: P.L.1985, c.105, s.3)

34  
35 78. Section 2 of P.L.1985, c.106 (C.18A:64J-23) is amended to  
36 read as follows:

37 2. For the purposes of this act:

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

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

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

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

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

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

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

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

37  
38 79. Section 2 of P.L.1985, c.366 (C.18A:64J-30) is amended to  
39 read as follows:

40 2. For the purposes of this act:

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

46 b. "Business incubation facilities" means low cost, short-term  
47 occupancy rental spaces wherein assistance is granted to a targeted  
48 network of new companies employing selected technologies

1 congruent with the strengths of the State's public and private  
2 institutions of higher education;

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

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

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

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

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

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

37

38 80. Section 2 of P.L.1985, c.397 (C.18A:64J-39) is amended to  
39 read as follows:

40 2. For the purposes of this act:

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

46 b. "Business incubation facilities" means low-cost, short-term  
47 occupancy rental spaces wherein assistance is granted to a targeted  
48 network of new companies employing selected technologies

1 congruent with the strengths of the State's public and private  
2 institutions of higher education;

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

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

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

25 f. "Public institutions of higher education" means Rutgers, The  
26 State University, the State colleges, the New Jersey Institute of  
27 Technology, ~~the University of Medicine and Dentistry of New~~  
28 ~~Jersey~~ Rowan University, the county colleges and any other public  
29 university or college now or hereafter established or authorized by  
30 law;

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

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

37

38 81. N.J.S.18A:65-14 is amended to read as follows:

39 18A:65-14. The membership of the board of governors shall be  
40 classified as follows and consist of:

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

43 b. ~~11~~ 15 voting members,

44 i. ~~six~~ nine of whom shall be appointed by the Governor of  
45 the State, with the advice and consent of the Senate, ~~and~~ two of  
46 whom shall be from a northern county in the State.

1       ii. five of whom shall be appointed by the board of trustees,  
2 from among their members elected and serving under the provisions  
3 of subsection I.c. or I.d. of 18A:65-15, and

4       iii. the chairperson of the Rutgers-Newark board of governors.

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

17 (cf: P.L.1994, c.48, s.177)

18  
19       82. Section 4 of P.L.2009, c.4 (C.18A:65A-1) is amended to  
20 read as follows:

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

41       In the case of Rutgers, the State University, references in this  
42 section to the board of trustees shall mean the Rutgers board of  
43 governors.

44       b. (1) To be eligible to enter into an energy savings services  
45 contract, an energy services company shall be a commercial entity  
46 that is qualified to provide energy savings services in accordance  
47 with the provisions of this section. A public institution of higher

1 education may enter into an energy savings services contract  
2 through public advertising for bids and the receipt of bids therefor.

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

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

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

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

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

1       (5) When the energy services company is the manufacturer of  
2 direct digital control systems and contracts with the board of  
3 trustees to provide a guaranteed energy savings option pursuant to  
4 subsection f. of this section, the specification of such direct digital  
5 control systems may be treated as proprietary goods and if so  
6 treated, the bid specification shall set forth an allowance price for  
7 its supply by the energy services company which shall be used by  
8 all bidders in the public bidding process. Direct digital controls  
9 shall be open protocol format and shall meet the interoperability  
10 guidelines established by the American Society of Heating,  
11 Refrigerating and Air-Conditioning Engineers.

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

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

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

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



1 notes as may be necessary, provided that all such bonds and notes  
2 mature within the periods authorized for such energy savings  
3 obligations.

4 (4) Lease-purchase agreements and energy savings obligations  
5 shall not be used to finance maintenance, guarantees, or verification  
6 of guarantees of energy conservation measures. Lease-purchase  
7 agreements and energy savings obligations may be used to finance  
8 the cost of an energy audit or the cost of verification of energy  
9 savings as part of adopting an energy savings plan. Maturity  
10 schedules of lease-purchase agreements or energy savings  
11 obligations must exceed the estimated useful life of the individual  
12 energy conservation measures.

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

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

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

26 (b) describe the energy conservation measures that will  
27 comprise the program;

28 (c) estimate greenhouse gas reductions resulting from those  
29 energy savings;

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

33 (e) include an assessment of risks involved in the successful  
34 implementation of the plan;

35 (f) identify the eligibility for, and costs and revenues associated  
36 with the PJM Independent System Operator for demand response  
37 and curtailable service activities;

38 (g) include schedules showing calculations of all costs of  
39 implementing the proposed energy conservation measures and the  
40 projected energy savings;

41 (h) identify maintenance requirements necessary to ensure  
42 continued energy savings, and describe how they will be fulfilled;  
43 and

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

46 All professionals providing engineering services under the plan  
47 shall have errors and omissions insurance.

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

5 (4) Upon adoption, the plan shall be submitted to the Board of  
6 Public Utilities, which shall post it on the Internet on a public  
7 webpage maintained for such purpose. If the board of trustees  
8 maintains its own website, it shall also post the plan on that site.  
9 The Board of Public Utilities may require periodic reporting  
10 concerning the implementation of the plan.

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

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

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

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

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

46 f. (1) When an energy services company is awarded an energy  
47 savings services contract, it shall offer the board of trustees the  
48 option to purchase, for an additional amount, an energy savings

1 guarantee. The guarantee, if accepted by a separate vote of the  
2 board of trustees, shall insure that the energy savings resulting from  
3 the energy savings improvement program, determined periodically  
4 over the duration of the guarantee, will be sufficient to defray all  
5 payments required to be made pursuant to the lease-purchase  
6 agreement or energy savings obligation, and if the savings are not  
7 sufficient, the energy services company will reimburse the board of  
8 trustees for any additional amounts. Annual costs of a guarantee  
9 shall not be financed or included as costs in an energy savings plan  
10 but shall be fully disclosed in an energy savings plan.

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

14 g. As used in this section:

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

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

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

41 "energy related capital improvement" means a capital  
42 improvement that uses energy but does not result in a reduction of  
43 energy use;

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

47 "energy savings" means a measured reduction in fuel, energy,  
48 operating or maintenance costs resulting from the implementation

1 of one or more energy conservation measures services when  
2 compared with an established baseline of previous fuel, energy,  
3 operating or maintenance costs, including, but not limited to, future  
4 capital replacement expenditures avoided as a result of equipment  
5 installed or services performed as part of an energy savings plan;

6 "energy savings improvement program" means an initiative of a  
7 public institution of higher education to implement energy  
8 conservation measures in existing facilities, provided that the value  
9 of the energy savings resulting from the program will be sufficient  
10 to cover the cost of the program's energy conservation measures;

11 "energy savings plan" means the document that describes the  
12 actions to be taken to implement the energy savings improvement  
13 program;

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

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

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

26 "water conservation measure" means an alteration to a facility or  
27 equipment that reduces water consumption, maximizes the  
28 efficiency of water use, or reduces water loss.

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

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

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

46

47 83. Section 2 of P.L.1969, c.242 (C.18A:66-168) is amended to  
48 read as follows:

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

4       a. The alternate benefit programs established by [the Board of  
5 Trustees of the University of Medicine and Dentistry,] the Board  
6 of Governors of Rutgers, The State University of New Jersey, the  
7 Board of Trustees of the New Jersey Institute of Technology and  
8 the Board of Higher Education for certain employees of State and  
9 county colleges, are continued except as the benefit and  
10 contribution schedules are revised by this act.

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

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

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

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

29

30       84. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to  
31 read as follows:

32       3. As used in this act:

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

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

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

1 m. "Rutgers, The State University" means the institution of  
2 higher education described in chapter 65 of Title 18A of the New  
3 Jersey Statutes.

4 n. "State Colleges" means the colleges so described in chapter  
5 64 of Title 18A of the New Jersey Statutes and any former State  
6 college designated as a public research university pursuant to  
7 P.L. , c. (C. ) (pending before the Legislature as this bill).

8 o. "Mutual fund company" means an investment company or  
9 trust regulated by the federal "Investment Company Act of 1940,"  
10 15 U.S.C. s.80a-1 et seq.  
11 (cf: P.L.2008, c.89, s.12)

12  
13 85. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended to  
14 read as follows:

15 4. All full-time officers and all full-time members of the  
16 faculty of [the University of Medicine and Dentistry of New  
17 Jersey,] Rutgers, The State University, the Newark College of  
18 Engineering, Rowan University, the State and county colleges and  
19 all regularly appointed teaching and administrative staff members in  
20 applicable positions, as determined by the Director of the Division  
21 of Pensions in the Department of the Treasury, shall be eligible and  
22 shall participate in the alternate benefit program, except those  
23 persons appointed in a part-time or temporary capacity, physicians  
24 and dentists holding employment in positions titled intern, resident  
25 or fellow on or after the effective date of this amendatory act,  
26 persons compensated on a fee basis, persons temporarily in the  
27 United States under an F or J visa and members of the Teachers'  
28 Pension and Annuity Fund, the Public Employees' Retirement  
29 System, the Police and Firemen's Retirement System or the Group  
30 Annuity Plan, who did not elect to transfer to the alternate benefit  
31 program in accordance with the provisions of chapter 64C or 65 of  
32 Title 18A of the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-  
33 130 et seq.), or c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181  
34 (C.18A:66-154 et seq.). An eligible person who has been enrolled in  
35 the alternate benefit program for at least one year pursuant to this  
36 section may continue to be enrolled in the program, notwithstanding  
37 promotion or transfer to a position within the institution not  
38 otherwise eligible for the program.

39 Any person participating in the alternate benefit program shall be  
40 ineligible for membership in the Teachers' Pension and Annuity  
41 Fund, the Public Employees' Retirement System, the Police and  
42 Firemen's Retirement System or the Group Annuity Plan and any  
43 person electing to participate in the alternate benefit program shall  
44 thereby waive all rights and benefits provided by the Teachers'  
45 Pension and Annuity Fund, the Public Employees' Retirement  
46 System, the Police and Firemen's Retirement System or the Group  
47 Annuity Plan as a member of said fund, system or plan, except as

1   herein and otherwise provided by law or under terms of the Group  
2   Annuity Plan.

3       Any person required to participate in the alternate benefit  
4   program by reason of employment, who at the time of such  
5   employment is a member of the Teachers' Pension and Annuity  
6   Fund, shall be permitted to transfer his membership in said fund to  
7   the Public Employees' Retirement System, by waiving all rights and  
8   benefits which would otherwise be provided by the alternate benefit  
9   program. Any such new employee who is a member of the Public  
10   Employees' Retirement System will be permitted to continue his  
11   membership in that system, by waiving all rights and benefits which  
12   would otherwise be provided by the alternate benefit program.  
13   Such waivers shall be accomplished by filing forms satisfactory to  
14   the Division of Pensions within 30 days of the beginning date of  
15   employment.

16       Any person receiving a benefit by reason of his retirement from  
17   any retirement or pension system of the State of New Jersey or any  
18   political subdivision thereof shall be ineligible to participate in the  
19   alternate benefit program.

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

23       The alternate benefit programs established pursuant to this act  
24   are deemed to be pension funds or retirement systems for purposes  
25   of P.L.1968, c.23 (C.43:3C-1 et seq.).  
26   (cf: P.L.1994, c.48, s.188)

27  
28       86. Section 7 of P.L.1969, c.242 (C.18A:66-173) is amended to  
29   read as follows:

30       7. (a) When a member of the Teachers' Pension and Annuity  
31   Fund or the Public Employees' Retirement System or the Police and  
32   Firemen's Retirement System elects to transfer to an alternate  
33   benefit program by filing the proper application form declaring his  
34   election to participate in such alternate benefit program, the  
35   respective retirement system shall transfer the amount of his  
36   accumulated deductions as of the date of transfer to his individual  
37   account in the program.

38       (b) There shall also be transferred from the contingent reserve  
39   fund or the pension fund of the Teachers' Pension and Annuity Fund  
40   or the Public Employees' Retirement System or the Police and  
41   Firemen's Retirement System or from the Group Annuity Plan to the  
42   individual's account in the alternate benefit program, the pension  
43   reserve required as of the date of his transfer to provide a pension  
44   for each year of service credited to the account of the member as set  
45   forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in  
46   section 38 or section 48 of P.L.1954, c. 84 as such sections have  
47   been amended and supplemented as of July 1, 1969 (C.43:15A-38,  
48   C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241



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

36 The annuity to be used in determining the amount of pension is  
37 the actuarial equivalent of the member's accumulated deductions  
38 transferred from the Teachers' Pension and Annuity Fund or the  
39 Public Employees' Retirement System or the Police and Firemen's  
40 Retirement System to the date the member attains 60 years of age, if  
41 subsequent to the date of election. The amount of pension is that  
42 established by formula within N.J.S.18A:66-44 or section 48 of  
43 P.L.1954, c.84 as such sections have been amended and  
44 supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of  
45 P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and  
46 changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84  
47 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5)

1 enacted subsequent to this act or the Group Annuity Plan shall have  
2 no application to the provisions of this act.

3 In the event that the eligibility requirement under N.J.S.18A:66-  
4 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section  
5 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity  
6 Plan is changed at some future date to permit members to become  
7 eligible for such benefit prior to the completion of 15 years of  
8 service, the transfer of the reserve from the contingent reserve fund  
9 or the pension fund of the Teachers' Pension and Annuity Fund or  
10 the Public Employees' Retirement System or the Police and  
11 Firemen's Retirement System or from the Group Annuity Plan shall  
12 be effective as of the date the member who had elected the alternate  
13 benefit program meets the amended eligibility requirement or the  
14 effective date of the amendment, whichever is later.

15 In the event an option is available with respect to the distribution  
16 of employee and employer contributions between fixed and variable  
17 annuities under the alternate benefit program, the employee shall  
18 have the right to determine the percentage distribution of these  
19 funds subject to any limitations imposed by the designated insurer  
20 or insurers.

21 (c) No transfer of pension reserves shall be made pursuant to this  
22 section where more than two consecutive years elapse in which no  
23 employer contributions to an alternate benefit program are required.  
24 (cf: P.L.1993, c.385, s.5)

25

26 87. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to  
27 read as follows:

28 8. (a) **[The University of Medicine and Dentistry of New**  
29 **Jersey,]** Rutgers, The State University and the New Jersey Institute  
30 of Technology shall reduce the compensation of each participant in  
31 the alternate benefit program and pay over to the insurers or mutual  
32 fund companies for the benefit of the participant an employee  
33 contribution for the retirement annuity contract or contracts equal to  
34 5% of the participant's base salary. The intervals for deductions or  
35 reductions and payments shall be determined by the respective  
36 school governing bodies.

37 The Division of Pensions and Benefits shall provide for  
38 reductions from the compensation of each participant in the  
39 alternate benefit program employed by the State and county  
40 colleges of an employee contribution equal to 5% of the  
41 participant's base salary and pay this amount to the insurers or  
42 mutual fund companies for the individual's retirement annuity  
43 contract or contracts. The intervals for deductions or reductions  
44 and payments shall be determined by the Division of Pensions and  
45 Benefits.

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

1 (b) Based on a certification to the Division of Pensions and  
2 Benefits by [the University of Medicine and Dentistry of New  
3 Jersey,] Rutgers, The State University [and], the New Jersey  
4 Institute of Technology, and Rowan University of the number and  
5 base salary of participants, the division shall authorize the State to  
6 make payment of the employer contributions to the alternate benefit  
7 program at a rate equal to 8% of the employee's base salary, except  
8 the amount of the contribution shall not exceed 8% of the maximum  
9 salary for department officers established pursuant to section 1 of  
10 P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the  
11 designated insurers or mutual fund companies for the benefit of  
12 each participant.

13 Based on a certification by the Division of Pensions and Benefits  
14 of the number and base salary of participants employed by the State  
15 and county colleges, the State shall make payment of the employer  
16 contributions to the alternate benefit program at a rate equal to 8%  
17 of the employee's base salary, except the amount of the contribution  
18 shall not exceed 8% of the maximum salary for department officers  
19 established pursuant to section 1 of P.L.1974, c.55 (C.52:14-  
20 15.107), which moneys shall be paid to the designated insurers or  
21 mutual fund companies for the benefit of each participant.

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

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

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

44

45 88. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended to  
46 read as follows:

47 24. The [Board of Trustees of the University of Medicine and  
48 Dentistry of New Jersey, the] Board of Governors of Rutgers, The

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

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

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

32  
33 89. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended to  
34 read as follows:

35 25. No retirement, death or other benefit shall be payable by the  
36 State, **[the University of Medicine and Dentistry,]** Rutgers, The  
37 State University, the New Jersey Institute of Technology, Rowan  
38 University or the Division of Pensions under the alternate benefit  
39 program. Benefits shall be payable to participating employees and  
40 their beneficiaries only by the designated insurers or mutual fund  
41 companies under the terms of the contracts.

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

43  
44 90. Section 3 of P.L.1969, c.142 (C.18A:71-30) is amended to  
45 read as follows:

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

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

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

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

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

9 (e) The term "higher education" shall mean that education  
10 which is provided by any or all of the public institutions of higher  
11 education as herein defined or any or all equivalent private  
12 institutions.

13 (f) The term "public institutions of higher education" shall mean  
14 and include Rutgers, The State University, the New Jersey Institute  
15 of Technology, ~~the University of Medicine and Dentistry of New~~  
16 ~~Jersey~~ Rowan University, the ~~nine~~ eight State colleges, the  
17 county colleges, and any other public universities, colleges or  
18 county colleges now or hereafter established or authorized by law.  
19 (cf: P.L.1994, c.48, s.212)

20  
21 91. N.J.S.18A:71A-4 is amended to read as follows:

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

41 b. The seven public members, including the lender member,  
42 shall be appointed by the Governor with the advice and consent of  
43 the Senate. No more than four of the public members shall be  
44 members of the same political party. The institutional  
45 representatives shall be nominated by the respective institution in  
46 the case of Rutgers, the State University, New Jersey Institute of  
47 Technology, ~~and University of Medicine and Dentistry of New~~

1    Jersey] and Rowan University. The remaining institutional  
2    representatives shall be nominated by the respective sector  
3    association. Institutional representatives shall be appointed by the  
4    Governor with the advice and consent of the Senate. The student  
5    members shall be the individuals that the Student Advisory  
6    Committee elects as its chairperson and vice-chairperson. The  
7    Student Advisory Committee shall be created by the board to  
8    include students from all collegiate institutional sectors. The  
9    necessary appointments shall be made within 45 days of the  
10   enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

11        c. Public and institutional members of the board shall serve a  
12   term of four years and until a successor is appointed and qualified,  
13   except in the case of the first members so appointed, four of whom  
14   shall be appointed for a term of four years, four of whom shall be  
15   appointed for a term of three years, two of whom shall be appointed  
16   for a term of two years, and two of whom shall be appointed for a  
17   term of one year. Student members shall serve a term of office not  
18   to exceed two years. Any vacancy in the membership of the board,  
19   occurring otherwise than by expiration of term, shall be filled in the  
20   same manner as the original appointment or election was made, but  
21   for the unexpired term only.

22   (cf: N.J.S.18A:71A-4)

23

24        92. Section 3 of P.L.2000, c.163 (C.18A:71B-55) is amended to  
25   read as follows:

26        3. As used in this act, the following terms shall have the  
27   following meanings:

28        "Board" means the Board of Trustees of the Tony Pompelio  
29   Commemorative Scholarship Fund for the children of crime victims  
30   created pursuant to this act.

31        "Chairman" means the Chairman of the Violent Crimes  
32   Compensation Board.

33        "Executive director" means the chief executive and  
34   administrative officer of the authority.

35        "Authority" means the Higher Education Student Assistance  
36   Authority established pursuant to N.J.S.18A:71A-1 et seq., the  
37   "Higher Education Student Assistance Authority Law," or any  
38   body, entity, commission, or department succeeding to the principal  
39   functions thereof or to whom the powers conferred upon the  
40   authority by N.J.S.18A:71A-1 et seq. shall be given by law.

41        "Public Institutions of Higher Education" means the State  
42   colleges and universities created pursuant to chapter 64 of Title 18A  
43   of the New Jersey Statutes; the county colleges; [the University of  
44   Medicine and Dentistry of New Jersey]; the New Jersey Institute of  
45   Technology; Rutgers, the State University; Rowan University; and  
46   any other public universities, colleges, county colleges and junior  
47   colleges now or hereafter established or authorized by law.

48   (cf: P.L.2000, c.163, s.3)

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

2       18A:71C-32. "Approved site" means a site located within a State  
3       designated underserved area or a health professional shortage area,  
4       or a clinic which is part of the extramural network of dental clinics  
5       established by the New Jersey Dental School of [the University of  
6       Medicine and Dentistry of New Jersey] Rutgers, The State  
7       University, or a site that has been determined by the Higher  
8       Education Student Assistance Authority, in consultation with the  
9       Department of Health and Senior Services, to serve medically  
10      underserved populations according to criteria determined by the  
11      authority, including, but not limited to, the percentage of medically  
12      underserved patients served.

13      "Authority" means the Higher Education Student Assistance  
14      Authority.

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

31      "Executive director" means the executive director of the Higher  
32      Education Student Assistance Authority.

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

39      "Primary care" means the practice of family medicine, general  
40      internal medicine, general pediatrics, general obstetrics,  
41      gynecology, pediatric dentistry, general dentistry, public health  
42      dentistry, and any other areas of medicine or dentistry which the  
43      Commissioner of Health and Senior Services may define as primary  
44      care. Primary care also includes the practice of a nurse-practitioner,  
45      certified nurse-midwife, and physician assistant.

46      "Primary care practitioner" means a State-licensed or certified  
47      health care professional who has obtained a degree in allopathic or  
48      osteopathic medicine, dentistry, or another primary care profession

1 at an undergraduate institution of medical, dental, or other primary  
2 care professional education, as applicable.

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

5 "Program participant" means a primary care practitioner who  
6 contracts with the authority to engage in the clinical practice of  
7 primary care at an approved site in exchange for the redemption of  
8 eligible qualifying loan expenses provided under the program.

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

13 "State designated underserved area" means a geographic area in  
14 this State which has been ranked by the Commissioner of Health  
15 and Senior Services on the basis of health status and economic  
16 indicators as reflecting a medical or dental health professional  
17 shortage.

18 "Total and permanent disability" means a physical or mental  
19 disability that is expected to continue indefinitely or result in death  
20 and renders a participant in the program unable to perform that  
21 person's service obligation, as determined by the executive director  
22 or his designee.

23 "Undergraduate medical, dental, or other primary care  
24 professional education" means the period of time between entry into  
25 medical school, dental school, or other primary care professional  
26 training program and the award of a degree in allopathic or  
27 osteopathic medicine, dentistry, or another primary care profession,  
28 respectively.

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

30

31 94. N.J.S.18A:71C-35 is amended to read as follows:

32 18A:71C-35. The Commissioner of Health and Senior Services,  
33 after consultation with the Commissioner of Corrections and the  
34 Commissioner of Human Services, shall designate and establish a  
35 ranking of State designated underserved areas. The criteria used by  
36 the Commissioner of Health and Senior Services in designating  
37 areas shall include, but not be limited to:

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

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

45 c. appropriate physician, dentist, or other primary care staffing  
46 in State, county, municipal and private nonprofit health care  
47 facilities and in clinics which are part of the extramural network of  
48 dental clinics established by the New Jersey Dental School of [the



1 University of Medicine and Dentistry of New Jersey] Rutgers, The  
2 State University; and

3 d. the extent to which racial and ethnic disparities in health  
4 care in a geographic area, including, but not limited to, disparities  
5 in the incidence of cancer, cardiovascular disease, stroke, chemical  
6 dependency, diabetes, asthma, homicide, suicide, accidental injury,  
7 infant mortality, child immunization rates, HIV/AIDS, dental caries,  
8 and periodontal disease, indicate the need to increase access to  
9 primary care services among racial and ethnic minority populations  
10 in that area.

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

15  
16 95. Section 10 of P.L.2009, c.145 (C.18A:71C-36.1) is amended  
17 to read as follows:

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

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

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

41  
42 96. N.J.S.18A:71C-38 is amended to read as follows:

43 18A:71C-38. Each program participant shall serve a six-month  
44 probationary period upon initial placement at an approved site.  
45 During that period, the primary care staff of the approved site, or in  
46 the case of a clinic which is part of the extramural network of dental  
47 clinics established by the New Jersey Dental School of [the

1 University of Medicine and Dentistry of New Jersey] Rutgers, The  
2 State University, the director of the clinics and the vice-dean of the  
3 dental school, together with the program participant and the  
4 executive director or his designee, shall evaluate the suitability of  
5 the placement for the program participant. At the end of the  
6 probationary period, the primary care staff shall recommend the  
7 continuation of the program participant's present placement, a  
8 change in placement, or its determination that the program  
9 participant is an unsuitable candidate for the program. If the  
10 primary care staff of the approved site recommends a change in  
11 placement, the executive director or a designee shall approve an  
12 alternate placement at an approved site. If the primary care staff  
13 determines that the program participant is not a suitable candidate  
14 for the program, the executive director or his designee shall take  
15 this recommendation into consideration in regard to the program  
16 participant's final acceptance into the program. No loan redemption  
17 payment shall be made during the six-month probationary period;  
18 however, a program participant shall receive credit for the six-  
19 month period in calculating the first year of required service under  
20 the loan redemption contract.

21 (cf: P.L.2009, c.145, s.7)

22  
23 97. N.J.S.18A:72A-3 is amended to read as follows:

24 18A:72A-3. As used in this act, the following words and terms  
25 shall have the following meanings, unless the context indicates or  
26 requires another or different meaning or intent:

27 "Authority" means the New Jersey Educational Facilities  
28 Authority created by this chapter or any board, body, commission,  
29 department or officer succeeding to the principal functions thereof  
30 or to whom the powers conferred upon the authority by this chapter  
31 shall be given by law;

32 "Bond" means bonds or notes of the authority issued pursuant to  
33 this chapter;

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

39 "Dormitory" means a housing unit with necessary and usual  
40 attendant and related facilities and equipment, and shall include a  
41 dormitory of a public or private school, or of a public or private  
42 institution of higher education;

43 "Educational facility" means a structure suitable for use as a  
44 dormitory, dining hall, student union, administration building,  
45 academic building, library, laboratory, research facility, classroom,  
46 athletic facility, health care facility, teaching hospital, and parking  
47 maintenance storage or utility facility and other structures or  
48 facilities related thereto or required or useful for the instruction of

1 students or the conducting of research or the operation of an  
2 institution for higher education, and public libraries, and the  
3 necessary and usual attendant and related facilities and equipment,  
4 but shall not include any facility used or to be used for sectarian  
5 instruction or as a place for religious worship;

6 "Emerging needs program" means a program at one or more  
7 public or private institutions of higher education directed to meeting  
8 new and advanced technology needs or to supporting new academic  
9 programs in science and technology;

10 "Higher education equipment" means any property consisting of,  
11 or relating to, scientific, engineering, technical, computer,  
12 communications or instructional equipment;

13 "Participating college" means a public institution of higher  
14 education or private college which, pursuant to the provisions of  
15 this chapter, participates with the authority in undertaking the  
16 financing and construction or acquisition of a project;

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

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

23 "Private institution 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;

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

38 "School" means a secondary school, military school, or boarding  
39 school;

40 "University" means Rutgers, The State University.

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

42

43 98. N.J.S.18A:72A-26 is amended to read as follows:

44 18A:72A-26. In order to provide new dormitories and to enable  
45 the construction and financing thereof, to refinance indebtedness  
46 hereafter created by the authority for the purpose of providing a  
47 dormitory or dormitories or additions or improvements thereto, or  
48 for any one or more of said purposes, but for no other purpose

1 unless authorized by law, each of the following bodies shall have  
2 the powers hereafter enumerated to be exercised upon such terms  
3 and conditions, including the fixing of any consideration or rental to  
4 be paid or received, as it shall determine by resolution as to such  
5 property and each shall be subject to the performance of the duties  
6 hereafter enumerated, that is to say, the treasurer as to such as are  
7 located on land owned by the State or by the authority, the board of  
8 governors of the university, the board of trustees of the New Jersey  
9 Institute of Technology [or the University of Medicine and  
10 Dentistry of New Jersey] or Rowan University, the board of  
11 trustees of a State college or the board of trustees of a county  
12 college as to such as are located on land owned by the university or  
13 by the particular college respectively, namely:

14 a. The power to sell and to convey to the authority title in fee  
15 simple in any such land and any existing dormitories thereon owned  
16 by the State or owned by the board of trustees of a county college or  
17 the power to sell and to convey to the authority such title as the  
18 university or the college respectively may have in any such land and  
19 any existing dormitories thereon.

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

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

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

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

38

39 99. N.J.S.18A:72A-27.1 is amended to read as follows:

40 18A:72A-27.1. In addition to the powers and duties with respect  
41 to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the  
42 treasurer, the board of governors of the university, the board of  
43 trustees of the New Jersey Institute of Technology, the board of  
44 trustees of a State college, the board of trustees of Rowan  
45 University, and the board of trustees of a county college [and the  
46 board of trustees of the University of Medicine and Dentistry of  
47 New Jersey] shall also have the same power and be subject to the  
48 same duties in relation to any conveyance, lease or sublease made

1 under subsection a., b., or c. of section 18A:72A-26, with respect to  
2 revenue producing facilities; that is to say, structures or facilities  
3 which produce revenues sufficient to pay the rentals due and to  
4 become due under any lease or sublease made under subsection c.  
5 of section 18A:72A-26 including, without limitation, student unions  
6 and parking facilities.  
7 (cf: P.L.1994, c.48, s.239)

8  
9 100. Section 48 of P.L.2009, c.90 (C.18A:72A-82) is amended  
10 to read as follows:

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

13 "Board" means the Local Finance Board established in the  
14 Division of Local Government Services in the Department of  
15 Community Affairs.

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

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

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

35 "Institution of higher education" means: Rutgers, The State  
36 University; a State college or university established pursuant to  
37 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey  
38 Institute of Technology; **the University of Medicine and Dentistry**  
39 **of New Jersey** Rowan University; a county college and any other  
40 public university or college now or hereafter established or  
41 authorized by State law; and any college or university incorporated  
42 and located in New Jersey, which by virtue of law or character or  
43 license is a nonprofit educational institution authorized to grant  
44 academic degrees and which provides a level of education which is  
45 equivalent to the education provided by the State's public  
46 institutions of higher education, as attested by the receipt of and  
47 continuation of regional accreditation by the Middle States  
48 Association of Colleges and Schools, and which is eligible to

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

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

12 (cf: P.L.2009, c.90, s.48)

13  
14 101. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to  
15 read as follows:

16 3. As used in this act:

17 a. "Auditorily impaired" means a hearing impairment of such  
18 severity that the individual depends primarily upon visual  
19 communication.

20 b. "Competent authority" means any doctor of medicine or any  
21 doctor of osteopathy licensed to practice medicine and surgery in  
22 this State.

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

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

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

43 f. "Learning disability" means a significant barrier to learning  
44 caused by a disorder in one or more of the basic psychological  
45 processes involved in understanding or in using language, spoken or  
46 written, which disorder may manifest itself in imperfect ability to  
47 listen, think, speak, read, write, spell, or do mathematical  
48 calculations. The disorder includes conditions such as perceptual

1 handicap, brain injury, minimal brain dysfunction, dyslexia, and  
2 developmental aphasia. This term shall not include learning  
3 problems which are primarily the result of visual, hearing, or motor  
4 handicaps, mental retardation, emotional disturbances, or  
5 environmental, cultural, or economic disadvantage.

6 g. "Program" means the Higher Education Services for Visually  
7 Impaired, Auditorily Impaired and Learning Disabled Students  
8 Program established pursuant to this act.

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

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

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

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

21  
22 102. Section 2 of P.L.1987, c.183 (C.18A:72J-2) is amended to  
23 read as follows:

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

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

31  
32 103. Section 2 of P.L.2007, c.172 (C.26:1A-36.7a) is amended  
33 to read as follows:

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

39 a. developing, in consultation with autism experts and  
40 advocates, including, but not limited to, the Governor's Council for  
41 Medical Research and Treatment of Autism, Autism Speaks, The  
42 New Jersey Center for Outreach and Services for the Autism  
43 Community, The Autism Center of New Jersey Medical School at  
44 [the University of Medicine and Dentistry of New Jersey] Rutgers,  
45 The State University, the Statewide Parent Advocacy Network, Inc.,  
46 and the New Jersey chapter of the American Academy of Pediatrics,  
47 guidelines for health care professionals to use in evaluating infants

1 and toddlers living in the State for autism and to ensure the timely  
2 referral by health care professionals of infants and toddlers who are  
3 identified as having autism or suspected of being on the autism  
4 spectrum to the Early Intervention Program in order to provide  
5 appropriate services to those infants and toddlers as early as  
6 possible;

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

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

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

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

20  
21 104. Section 23 of P.L.1972, c.29 (C.26:2I-23) is amended to  
22 read as follows:

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

47 a. The power to sell and to convey to the authority title in fee  
48 simple in any such land and any existing health care facility thereon



1 owned by the State and held for any department thereof or of any of  
2 the institutions under the jurisdiction of the Department of Health  
3 and Senior Services or the power to sell and to convey to the  
4 authority such title as the State or the public health care  
5 organization, respectively, may have in any such land and any  
6 existing health care facility thereon.

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

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

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

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

23  
24 105. Section 25 of P.L.1972, c.29 (C.26:2I-25) is amended to  
25 read as follows:

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

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

41  
42 106. Section 27 of P.L.1972, c.29 (C.26:2I-27) is amended to  
43 read as follows:

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

1 exercised and performed by resolution of its governing body and all  
2 powers and duties conferred upon any of these health care  
3 organizations pursuant to this act shall be exercised and performed  
4 by resolution of its board of trustees or governing body.  
5 (cf: P.L.1997, c.435, s.12)

6  
7 107. Section 1 of P.L.1986, c.106 (C.26:2K-35) is amended to  
8 read as follows:

9 1. As used in this act:

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

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

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

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

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

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

43 g. "Regional trauma center" means a State designated level one  
44 hospital-based trauma center equipped and staffed to provide  
45 emergency medical services to an accident or trauma victim,  
46 including, but not limited to, the level one trauma centers at [the  
47 University of Medicine and Dentistry of New Jersey-] University

1 Hospital in Newark, known as the "Eric Munoz Trauma Center,"  
2 and at the Cooper Hospital/University Medical Center in Camden.

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

6 i. "Superintendent" means the Superintendent of the Division  
7 of State Police of the Department of Law and Public Safety.  
8 (cf: P.L.2010, c.80, s.1)

9  
10 108. Section 2 of P.L.1986, c.134 (C.26:2N-2) is amended to  
11 read as follows:

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

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

22 b. Specific information regarding the pertussis vaccine which  
23 includes:

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

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

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

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

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

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

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

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

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

17

18       110. Section 4 of P.L.1984, c.126 (C.26:5C-4) is amended to  
19 read as follows:

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

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

27

28       111. Section 115 of P.L.2008, c.29 (C.26:2NN-1) is amended to  
29 read as follows:

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

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

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

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

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

24

25       112. Section 10 of P.L.2011, c.210 (C.26:5B-6) is amended to  
26 read as follows:

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

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

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

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

3       2. As used in this act:

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

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

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

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

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

30       "State institutions of higher education," means Rutgers, The  
31 State University of New Jersey [, the University of Medicine and  
32 Dentistry of New Jersey] Rowan University, and the New Jersey  
33 Institute of Technology, and any of the State colleges or universities  
34 established pursuant to chapter 64 of Title 18A of the New Jersey  
35 Statutes, but does not include any county college established  
36 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

37 (cf: P.L.2005, c.379, s.2)

38

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

41       1. a. The Legislature finds and declares that the Department of  
42 Military and Veterans' Affairs, in conjunction with [the University  
43 of Medicine and Dentistry] Rutgers, The State University of New  
44 Jersey, has established a veteran to veteran peer support program  
45 telephone helpline. The helpline receives and responds to calls  
46 from veterans, servicemembers, and their families. It provides them  
47 with access to a comprehensive mental health provider network of  
48 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. Section 2 of P.L.2011, c.116 (C.38A:13-11) is amended to  
12 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. Section 3 of P.L.2011, c.116 (C.38A:13-12) is amended to  
6 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, servicemembers, 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. Section 4 of P.L.2011, c.116 (C.38A:13-13) is amended to  
20 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. Section 25 of P.L.1954, c.84 (C.43:15A-25) is amended to  
34 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 July  
42 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  
48 revisions by this act was less than 6%, shall pay 4% of



1 compensation to the system effective with the payroll period for  
2 which the beginning date is closest to July 1, 1995, and 5% of  
3 compensation to the system effective with the payroll period for  
4 which the beginning date is closest to July 1, 1996.

5 (2) Members enrolled in the retirement system on or after July  
6 1, 2007 who are:

7 employees of the State, other than employees of the Judicial  
8 Branch;

9 employees of an independent State authority, board, commission,  
10 corporation, agency or organization;

11 employees of a local school district, regional school district,  
12 county vocational school district, county special services school  
13 district, jointure commission, educational services commission,  
14 State-operated school district, charter school, county college, any  
15 officer, board, or commission under the authority of the  
16 Commissioner of Education or of the State Board of Education, and  
17 any other public entity which is established pursuant to authority  
18 provided by Title 18A of the New Jersey Statutes; or

19 employees of a State public institution of higher education [,  
20 other than employees of the University of Medicine and Dentistry  
21 of New Jersey] shall contribute 5.5% of compensation to the  
22 system, and all such members described above enrolled in the  
23 system prior to July 1, 2007 shall contribute 5.5% of compensation  
24 to the system effective with the payroll period for which the  
25 beginning date is closest to July 1, 2007.

26 Members enrolled in the retirement system on or after July 1,  
27 2008, other than those described in the paragraph above, shall  
28 contribute 5.5% of compensation to the system. Members enrolled  
29 in the system prior to July 1, 2008, other than those described in the  
30 paragraph above, shall contribute 5.5% of compensation to the  
31 system effective with the payroll period that begins immediately  
32 after July 1, 2008.

33 (3) Members of the retirement system shall contribute 6.5% of  
34 compensation to the system on and after the effective date of  
35 P.L.2011, c.78, with an additional contribution of 1% to be phased  
36 in in equal increments over a period of seven years commencing  
37 with the first year following that effective date.

38 c. The retirement system shall certify to each State department  
39 or subdivision thereof, and to each branch of the State service not  
40 included in a State department, and to every other employer, the  
41 proportion of each member's compensation to be deducted and to  
42 facilitate the making of deductions the retirement system may  
43 modify the deduction required by a member by such an amount as  
44 shall not exceed 1/10 of 1% of the compensation upon the basis of  
45 which the deduction is to be made.

46 If payment in full, representing the monthly or biweekly  
47 transmittal and report of salary deductions, is not made within 15  
48 days of the due date established by the retirement system, interest at

1 the rate of 6% per annum shall commence to run against the total  
2 transmittal of salary deductions for the period on the first day after  
3 such fifteenth day.

4 d. Every employee to whom this act applies shall be deemed to  
5 consent and agree to any deduction from his compensation required  
6 by this act and to all other provisions of this act. Notwithstanding  
7 any other law, rule or regulation affecting the salary, pay,  
8 compensation, other perquisites, or tenure of a person to whom this  
9 act applies, or shall apply, and notwithstanding that the minimum  
10 salary, pay, or compensation or other perquisites provided by law  
11 for him shall be reduced thereby, payment, less such deductions,  
12 shall be a full and complete discharge and acquittance of all claims  
13 and demands for service rendered by him during the period covered  
14 by such payment.

15 (cf: P.L.2011, c.78, s.10)

16

17 119. Section 3 of P.L.1948, c.110 (C.43:21-27) is amended to  
18 read as follows:

19 3. As used in this act, unless the context clearly requires  
20 otherwise:

21 (a) (1) "Covered employer" means, with respect to whether an  
22 employer is required to provide benefits during an employee's own  
23 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
24 individual or type of organization, including any partnership,  
25 association, trust, estate, joint-stock company, insurance company  
26 or corporation, whether domestic or foreign, or the receiver, trustee  
27 in bankruptcy, trustee or successor thereof, or the legal  
28 representative of a deceased person, who is an employer subject to  
29 the "unemployment compensation law" (R.S.43:21-1 et seq.),  
30 except the State, its political subdivisions, and any instrumentality  
31 of the State unless such governmental entity elects to become a  
32 covered employer pursuant to paragraph (2) of this subsection (a);  
33 provided, however, that commencing with the effective date of this  
34 act, the State of New Jersey, including Rutgers, The State  
35 University [ , the University of Medicine and Dentistry of New  
36 Jersey] and the New Jersey Institute of Technology, shall be  
37 deemed a covered employer, as defined herein.

38 "Covered employer" means, after June 30, 2009, with respect to  
39 whether the employer is an employer whose employees are eligible  
40 for benefits during periods of family temporary disability leave  
41 pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December  
42 31, 2008, whether employees of the employer are required to make  
43 contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual  
44 or type of organization, including any partnership, association,  
45 trust, estate, joint-stock company, insurance company or domestic  
46 or foreign corporation, or the receiver, trustee in bankruptcy, trustee  
47 or successor thereof, or the legal representative of a deceased  
48 person, who is an employer subject to the "unemployment

1 compensation law" (R.S.43:21-1 et seq.), including any  
2 governmental entity or instrumentality which is an employer under  
3 R.S.43:21-19(h)(5), notwithstanding that the governmental entity or  
4 instrumentality has not elected to be a covered employer pursuant to  
5 paragraph (2) of this subsection (a).

6 (2) Any governmental entity or instrumentality which is an  
7 employer under R.S.43:21-19(h)(5) may, with respect to the  
8 provision of benefits during an employee's own disability pursuant  
9 to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a "covered  
10 employer" under this subsection beginning with the date on which  
11 its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of  
12 any year thereafter by filing written notice of such election with the  
13 division within at least 30 days of the effective date. Such election  
14 shall remain in effect for at least two full calendar years and may be  
15 terminated as of January 1 of any year thereafter by filing with the  
16 division a written notice of termination at least 30 days prior to the  
17 termination date.

18 (b) (1) "Covered individual" means, with respect to whether an  
19 individual is eligible for benefits during an individual's own  
20 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
21 person who is in employment, as defined in the "unemployment  
22 compensation law" (R.S.43:21-1 et seq.), for which the individual is  
23 entitled to remuneration from a covered employer, or who has been  
24 out of such employment for less than two weeks, except that a  
25 "covered individual" who is employed by the State of New Jersey,  
26 including Rutgers, The State University [, the University of  
27 Medicine and Dentistry of New Jersey and] or the New Jersey  
28 Institute of Technology, or by any governmental entity or  
29 instrumentality which elects to become a "covered employer"  
30 pursuant to this amendatory act, shall not be eligible to receive any  
31 benefits under the "Temporary Disability Benefits Law" until such  
32 individual has exhausted all sick leave accumulated as an employee  
33 in the classified service of the State or accumulated under terms and  
34 conditions similar to classified employees or accumulated under the  
35 terms and conditions pursuant to the laws of this State or as the  
36 result of a negotiated contract with any governmental entity or  
37 instrumentality which elects to become a "covered employer."

38 "Covered individual" shall not mean, with respect to whether an  
39 individual is eligible for benefits during an individual's own  
40 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any  
41 member of the Division of State Police in the Department of Law  
42 and Public Safety.

43 (2) "Covered individual" means, with respect to whether an  
44 individual is eligible for benefits during the individual's period of  
45 family temporary disability leave pursuant to P.L.1948, c.110  
46 (C.43:21-25 et al.), any individual who is in employment, as  
47 defined in the "unemployment compensation law" (R.S.43:21-1 et  
48 seq.), for which the individual is entitled to remuneration from a

1 covered employer, or who has been out of that employment for less  
2 than two weeks.

3 (c) "Division" or "commission" means the Division of  
4 Temporary Disability Insurance of the Department of Labor and  
5 Workforce Development, and any transaction or exercise of  
6 authority by the director of the division shall be deemed to be  
7 performed by the division.

8 (d) "Day" shall mean a full calendar day beginning and ending  
9 at midnight.

10 (e) "Disability" shall mean such disability as is compensable  
11 under section 5 of P.L.1948, c.110 (C.43:21-29).

12 (f) "Disability benefits" shall mean any cash payments which  
13 are payable to a covered individual for all or part of a period of  
14 disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.).

15 (g) "Period of disability" with respect to any covered individual  
16 shall mean:

17 (1) The entire period of time during which the covered  
18 individual is continuously and totally unable to perform the duties  
19 of the covered individual's employment because of the covered  
20 individual's own disability, except that two periods of disability due  
21 to the same or related cause or condition and separated by a period  
22 of not more than 14 days shall be considered as one continuous  
23 period of disability; provided the individual has earned wages  
24 during such 14-day period with the employer who was the  
25 individual's last employer immediately preceding the first period of  
26 disability; and

27 (2) On or after July 1, 2009, the entire period of family  
28 temporary disability leave taken from employment by the covered  
29 individual.

30 (h) "Wages" shall mean all compensation payable by covered  
31 employers to covered individuals for personal services, including  
32 commissions and bonuses and the cash value of all compensation  
33 payable in any medium other than cash.

34 (i) (1) (Deleted by amendment, P.L.2001, c.17).

35 (2) (Deleted by amendment, P.L.2001, c.17).

36 (3) "Base week" with respect to periods of disability  
37 commencing on or after October 1, 1985 and before January 1,  
38 2001, means any calendar week during which a covered individual  
39 earned in employment from a covered employer remuneration equal  
40 to not less than 20% of the Statewide average weekly wage  
41 determined under subsection (c) of R.S.43:21-3, which shall be  
42 adjusted to the next higher multiple of \$1.00 if not already a  
43 multiple thereof.

44 (4) "Base week" with respect to periods of disability  
45 commencing on or after January 1, 2001, means any calendar week  
46 of a covered individual's base year during which the covered  
47 individual earned in employment from a covered employer  
48 remuneration not less than an amount 20 times the minimum wage

1 in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on  
2 October 1 of the calendar year preceding the calendar year in which  
3 the benefit year commences, which amount shall be adjusted to the  
4 next higher multiple of \$1.00 if not already a multiple thereof,  
5 except that if in any calendar week an individual subject to this  
6 paragraph is in employment with more than one employer, the  
7 covered individual may in that calendar week establish a base week  
8 with respect to each of the employers from whom the covered  
9 individual earns remuneration equal to not less than the amount  
10 defined in this paragraph during that week.

11 (j) (1) "Average weekly wage" means the amount derived by  
12 dividing a covered individual's total wages earned from the  
13 individual's most recent covered employer during the base weeks in  
14 the eight calendar weeks immediately preceding the calendar week  
15 in which a period of disability commenced, by the number of such  
16 base weeks.

17 (2) If the computation in paragraph (1) of this subsection (j)  
18 yields a result which is less than the individual's average weekly  
19 earnings in employment with all covered employers during the base  
20 weeks in such eight calendar weeks, then the average weekly wage  
21 shall be computed on the basis of earnings from all covered  
22 employers during the base weeks in the eight calendar weeks  
23 immediately preceding the week in which the period of disability  
24 commenced.

25 (3) For periods of disability commencing on or after July 1,  
26 2009, if the computations in paragraphs (1) and (2) of this  
27 subsection (j) both yield a result which is less than the individual's  
28 average weekly earnings in employment with all covered employers  
29 during the base weeks in the 26 calendar weeks immediately  
30 preceding the week in which the period of disability commenced,  
31 then the average weekly wage shall, upon a written request to the  
32 department by the individual on a form provided by the department,  
33 be computed by the department on the basis of earnings from all  
34 covered employers of the individual during the base weeks in those  
35 26 calendar weeks, and, in the case of a claim for benefits from a  
36 private plan, that computation of the average weekly wage shall be  
37 provided by the department to the individual and the individual's  
38 employer.

39 When determining the "average weekly wage" with respect to a  
40 period of family temporary disability leave for an individual who  
41 has a period of family temporary disability immediately after the  
42 individual has a period of disability for the individual's own  
43 disability, the period of disability is deemed to have commenced at  
44 the beginning of the period of disability for the individual's own  
45 disability, not the period of family temporary disability.

46 (k) "Child" means a biological, adopted, or foster child,  
47 stepchild or legal ward of a covered individual, child of a domestic  
48 partner of the covered individual, or child of a civil union partner of

1 the covered individual, who is less than 19 years of age or is 19  
2 years of age or older but incapable of self-care because of mental or  
3 physical impairment.

4 (l) "Domestic partner" means a domestic partner as defined in  
5 section 3 of P.L.2003, c.246 (C.26:8A-3).

6 (m) "Civil union" means a civil union as defined in section 2 of  
7 P.L.2006, c.103 (C.37:1-29).

8 (n) "Family member" means a child, spouse, domestic partner,  
9 civil union partner or parent of a covered individual.

10 (o) "Family temporary disability leave" means leave taken by a  
11 covered individual from work with an employer to (1) participate in  
12 the providing of care, as defined in the "Family Leave Act,"  
13 P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted  
14 pursuant to that act, for a family member of the individual made  
15 necessary by a serious health condition of the family member; or (2)  
16 be with a child during the first 12 months after the child's birth, if  
17 the individual, or the domestic partner or civil union partner of the  
18 individual, is a biological parent of the child, or the first 12 months  
19 after the placement of the child for adoption with the individual.  
20 "Family temporary disability leave" does not include any period of  
21 time in which a covered individual is paid benefits pursuant to  
22 P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable  
23 to perform the duties of the individual's employment due to the  
24 individual's own disability.

25 (p) "Health care provider" means a health care provider as  
26 defined in the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et  
27 seq.), and any regulations adopted pursuant to that act.

28 (q) "Parent of a covered individual" means a biological parent,  
29 foster parent, adoptive parent, or stepparent of the covered  
30 individual or a person who was a legal guardian of the covered  
31 individual when the covered individual was a child.

32 (r) "Placement for adoption" means the time when a covered  
33 individual adopts a child or becomes responsible for a child pending  
34 adoption by the covered individual.

35 (s) "Serious health condition" means an illness, injury,  
36 impairment or physical or mental condition which requires:  
37 inpatient care in a hospital, hospice, or residential medical care  
38 facility; or continuing medical treatment or continuing supervision  
39 by a health care provider.

40 (t) "12-month period" means, with respect to an individual who  
41 establishes a valid claim for disability benefits during a period of  
42 family temporary disability leave, the 365 consecutive days that  
43 begin with the first day that the individual first establishes the  
44 claim.

45 (cf: P.L.2008, c.17, s.2)

46

47 120. Section 22 of P.L.1948, c.110 (C.43:21-46) is amended to  
48 read as follows:

1       22. State disability benefits fund. (a) The State disability  
2       benefits fund, hereinafter referred to as the fund, is hereby  
3       established. The fund shall remain in the custody of the State  
4       Treasurer, and to the extent of its cash requirements shall be  
5       deposited in authorized public depositories in the State of New  
6       Jersey. There shall be deposited in and credited to the fund the  
7       amount of worker and employer contributions provided under  
8       subparagraph (G) of paragraph (1) of subsection (d) of R.S.43:21-7  
9       and subsection (e) of R.S.43:21-7, less refunds authorized by the  
10      chapter (R.S.43:21-1 et seq.) to which this act is a supplement, and  
11      the entire amount of interest and earnings from investments of the  
12      fund, and all assessments, fines and penalties collected under this  
13      act. The fund shall be held in trust for the payment of disability  
14      benefits pursuant to this act, for the payment of benefits pursuant to  
15      subsection (f) of R.S.43:21-4, and for the payment of any  
16      authorized refunds of contributions. All warrants for the payment  
17      of benefits shall be issued by and bear only the signature of the  
18      Director of the Division of Unemployment and Temporary  
19      Disability Insurance or his duly authorized agent for that purpose.  
20      All other moneys withdrawn from the fund shall be upon warrant  
21      signed by the State Treasurer and countersigned by the Director of  
22      the Division of Unemployment and Temporary Disability Insurance  
23      of the Department of Labor of the State of New Jersey. The  
24      Treasurer shall maintain books, records and accounts for the fund,  
25      appoint personnel and fix their compensation within the limits of  
26      available appropriations. The expenses of the Treasurer in  
27      administering the fund and its accounts shall be charged against the  
28      administration account, as hereinafter established. A separate  
29      account, to be known as the administration account, shall be  
30      maintained in the fund, and there shall be credited to such account  
31      an amount determined to be sufficient for proper administration, not  
32      to exceed, however, 1/10 of 1% of the wages with respect to which  
33      current contributions are payable into the fund, and the entire  
34      amount of any assessments against covered employers, as  
35      hereinafter provided, for costs of administration prorated among  
36      approved private plans. The costs of administration of this act,  
37      including R.S.43:21-4(f), shall be charged to the administration  
38      account.

39      (b) further separate account, to be known as the unemployment  
40      disability account, shall be maintained in the fund. Such account  
41      shall be charged with all benefit payments under R.S.43:21-4(f).  
42      Prior to July 1 of each calendar year, the Division of  
43      Unemployment and Temporary Disability Insurance of the  
44      Department of Labor of the State of New Jersey shall determine the  
45      average rate of interest and other earnings on all investments of the  
46      State disability benefits fund for the preceding calendar year. An  
47      amount equal to the sum of the amounts withdrawn from the  
48      unemployment trust fund pursuant to section 23 hereof multiplied

1 by such average rate shall be determined by the division and  
2 credited to the unemployment disability account as of the end of the  
3 preceding calendar year.

4 If the unemployment disability account shall show an  
5 accumulated deficit in excess of \$200,000.00 at the end of any  
6 calendar year after interest and other earnings have been credited as  
7 provided hereinabove, the division shall determine the ratio of such  
8 deficit to the total of all taxable wages paid during the preceding  
9 calendar year, and shall make an assessment against all employers  
10 in an amount equal to the taxable wages paid by them during such  
11 preceding calendar year to employees, multiplied by such ratio, but  
12 in no event shall any such assessment exceed 1/10 or 1% of such  
13 wages; provided, however, that the assessment made against the  
14 State (including Rutgers, The State University [, the University of  
15 Medicine and Dentistry of New Jersey] and the New Jersey  
16 Institute of Technology) shall not exceed the sum of all benefits  
17 paid under the provisions of R.S.43:21-4(f) as the result of  
18 employment with the State. Such amounts shall be collectible by  
19 the division in the same manner as provided for the collection of  
20 employee contributions under this chapter (R.S.43:21-1 et seq.). In  
21 making this assessment, the division shall furnish to each affected  
22 employer a brief summary of the determination thereof. The  
23 amount of such assessments collected by the division shall be  
24 credited to the unemployment disability account.

25 As used in this section, "taxable wages" shall mean wages with  
26 respect to which employer contributions have been paid or are  
27 payable pursuant to subsections (a), (b) and (c) of R.S.43:21-7.

28 (c) A board of trustees, consisting of the State Treasurer, the  
29 Secretary of State, the Commissioner of Labor and Industry, the  
30 director of the division, and the State Comptroller, is hereby  
31 created. The board shall invest and reinvest all moneys in the fund  
32 in excess of its cash requirements, and such investments shall be  
33 made in obligations legal for savings banks; provided, however, that  
34 the provisions of this subsection shall in all respects be subject to  
35 the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.).

36 (d) There is hereby appropriated, to be paid out of the fund, such  
37 amounts as may from time to time be required for the payment of  
38 disability benefits, and such amounts as may be required each year,  
39 as contained in the annual appropriation act, for the administration  
40 of this act, including R.S.43:21-4(f).

41 (cf: P.L.1994, c.112, s.3)

42

43 121. Section 2 of P.L.1999, c.201 (C.52:9E-2) is amended to  
44 read as follows:

45 2. As used in this act:

46 a. "Approved research project" means a peer reviewed  
47 scientific research project, which is approved by the commission



1 and which focuses on the treatment and cure of spinal cord injuries  
2 and diseases that damage the spinal cord.

3 b. "Commission" means the New Jersey Commission on  
4 Spinal Cord Research established pursuant to this act.

5 c. "Institutional support services" means all services, facilities,  
6 equipment, personnel and expenditures associated with the creation  
7 and maintenance of approved research projects.

8 d. "Qualifying research institution" means [the University of  
9 Medicine and Dentistry of New Jersey;] Rutgers, The State  
10 University; Princeton University; the Kessler Medical  
11 Rehabilitation Research and Education Corporation; the Coriell  
12 Institute for Medical Research; and any other research institution in  
13 the State approved by the commission.  
14 (cf: P.L.1999, c.201, s.2)

15  
16 122. Section 3 of P.L.1999, c. 201 (C.52:9E-3) is amended to  
17 read as follows:

18 3. a. There is established in the Executive Branch of the State  
19 government, the New Jersey Commission on Spinal Cord Research.  
20 For the purposes of complying with the provisions of Article V,  
21 Section IV, paragraph 1 of the New Jersey Constitution, the  
22 commission is allocated within the Department of Health and  
23 Senior Services, but notwithstanding that allocation, the  
24 commission shall be independent of any supervision or control by  
25 the department or by any board or officer thereof.

26 b. The commission shall consist of [11] 10 members,  
27 including the Commissioner of Health and Senior Services, or his  
28 designee, who shall serve ex officio; [one representative of the  
29 University of Medicine and Dentistry of New Jersey;] one  
30 representative of Rutgers, The State University; one representative  
31 of the federally designated Spinal Cord Injury Model System; one  
32 representative from the American Paralysis Association; and six  
33 public members who are residents of the State knowledgeable about  
34 spinal cord injuries and who include at least one physician licensed  
35 in this State and at least one person with a spinal cord injury. The  
36 members shall be appointed by the Governor with the advice and  
37 consent of the Senate.

38 c. The term of office of each appointed member shall be three  
39 years, but of the members first appointed, three shall be appointed  
40 for a term of one year, four for terms of two years, and three for  
41 terms of three years. All vacancies shall be filled for the balances of  
42 the unexpired terms in the same manner as the original  
43 appointments. Appointed members are eligible for reappointment  
44 upon the expiration of their terms. A member shall continue to  
45 serve upon the expiration of his term until a successor is appointed.

46 The members of the commission shall not receive compensation  
47 for their services, but shall be reimbursed for the actual and

1 necessary expenses incurred in the performance of their duties as  
2 members of the commission.

3 (cf: P.L.1999, c.201, s.3)

4  
5 123. Section 2 of P.L.2003, c.200 (C.52:9EE-2) is amended to  
6 read as follows:

7 2. As used in this act:

8 "Approved research project" means a scientific research project,  
9 which is approved by the commission and which focuses on the  
10 treatment and cure of brain injuries.

11 "Commission" means the New Jersey State Commission on Brain  
12 Injury Research established pursuant to this act.

13 "Institutional support services" means all services, facilities,  
14 equipment, personnel and expenditures associated with the creation  
15 and maintenance of approved research projects.

16 "Qualifying research institution" means **the University of**  
17 **Medicine and Dentistry of New Jersey and** Rutgers, The State  
18 University of New Jersey and any other institution approved by the  
19 commission, which is conducting an approved research project.

20 (cf: P.L.2003, c.200, s.2)

21  
22 124. Section 3 of P.L.2003, c.200 (C.52:9EE-3) is amended to  
23 read as follows:

24 3. a. There is established in the Executive Branch of the State  
25 government, the New Jersey State Commission on Brain Injury  
26 Research. For the purposes of complying with the provisions of  
27 Article V, Section IV, paragraph 1 of the New Jersey Constitution,  
28 the commission is allocated within the Department of Health and  
29 Senior Services, but notwithstanding that allocation, the  
30 commission shall be independent of any supervision or control by  
31 the department or by any board or officer thereof.

32 b. The commission shall consist of **[11]** 10 members,  
33 including the Commissioner of Health and Senior Services, or his  
34 designee, who shall serve ex officio; **[one representative of the**  
35 **University of Medicine and Dentistry of New Jersey;]** one  
36 representative of Rutgers, The State University of New Jersey; six  
37 public members, appointed by the Governor with the advice and  
38 consent of the Senate, one of whom shall be a licensed physician in  
39 this State and one of whom shall be a person with a brain injury;  
40 and two public members, one of whom shall be appointed by the  
41 President of the Senate and one of whom shall be appointed by the  
42 Speaker of the General Assembly. All public members shall be  
43 residents of the State or otherwise associated with the State, and  
44 shall be known for their knowledge, competence, experience or  
45 interest in brain injury medical research.

46 c. The term of office of each public member shall be three  
47 years, but of the members first appointed, three shall be appointed

1 for terms of one year, three for terms of two years, and two for  
2 terms of three years. All vacancies shall be filled for the balances of  
3 the unexpired terms in the same manner as the original  
4 appointments. Appointed members are eligible for reappointment  
5 upon the expiration of their terms. A member shall continue to  
6 serve upon the expiration of his term until a successor is appointed.

7 The members of the commission shall not receive compensation  
8 for their services, but shall be reimbursed for the actual and  
9 necessary expenses incurred in the performance of their duties as  
10 members of the commission.

11 (cf: P.L.2003, c.200, s.3)

12  
13 125. Section 3 of P.L.1983, c.6 (C.52:9U-3) is amended to read  
14 as follows:

15 3. As used in this act:

16 a. "Approved research project" means a scientific research  
17 project, which is approved by the commission and which focuses on  
18 the genetic, biochemical, viral, microbiological and environmental  
19 causes of cancer, and may include, but is not limited to, behavioral,  
20 socio-economic, demographic and psychosocial research or research  
21 into methods of clinical treatment; or which focuses on pain  
22 management and palliative care for persons diagnosed with cancer.

23 b. "Commission" means the New Jersey State Commission on  
24 Cancer Research established pursuant to this act.

25 c. "Institutional support services" means all services, facilities,  
26 equipment, personnel and expenditures associated with the creation  
27 and maintenance of approved research projects.

28 d. "Qualifying research institution" means the Institute for  
29 Medical Research in Camden, New Jersey, [the University of  
30 Medicine and Dentistry of New Jersey,] Rutgers--The State  
31 University, Princeton University and any other institution approved  
32 by the commission, which is conducting an approved research  
33 project.

34 (cf: P.L.2000, c.63, s.1)

35  
36 126. Section 2 of P.L.2008, c.85 (C.52:16A-100) is amended to  
37 read as follows:

38 2. a. The Ellis Island Advisory Commission is hereby created  
39 and established in the Executive Branch of the State Government.  
40 For the purposes of complying with the provisions of Article V,  
41 Section IV, paragraph 1, of the New Jersey Constitution, the  
42 commission is allocated within the Department of State.

43 The commission shall consist of **[20]** 19 voting members, as  
44 follows:

45 (1) a representative of the Governor's office, the Secretary of  
46 State or a designee, the State Treasurer or a designee, the Attorney  
47 General or a designee, the Commissioner of Environmental  
48 Protection or a designee, the Commissioner of Education or a

1 designee, the Executive Director of the New Jersey Commerce  
2 Commission or a designee, the Commissioner of Health and Senior  
3 Services or a designee, the Commissioner of Transportation or a  
4 designee, the New Jersey State representative of the National Trust  
5 for Historic Preservation or a designee, and the President of Save  
6 Ellis Island, Inc. or a designee, each serving ex officio;

7 (2) four members of the Legislature, of whom one shall be  
8 appointed by the Senate President, one by the Senate Minority  
9 Leader, one by the Speaker of the General Assembly and one by the  
10 Minority Leader of the General Assembly. Legislators appointed to  
11 the commission shall serve as members thereof for terms co-  
12 extensive with their respective terms as members of the Houses of  
13 the Legislature from which they were appointed; and

14 (3) ~~【five】~~ four members shall be appointed by the Governor,  
15 with the advice and consent of the Senate, of whom one shall be a  
16 representative of Rutgers, the State University of New Jersey,  
17 chosen with expertise in immigration issues, ~~【and one shall be a~~  
18 ~~representative of the University of Medicine and Dentistry of New~~  
19 ~~Jersey, chosen with expertise in public health issues,】~~ and three  
20 shall be members of the public, chosen with due regard for their  
21 knowledge of the role of Ellis Island in American history, including  
22 one member with expertise in the hospitality industry and one  
23 member with expertise in the development industry. No public  
24 members shall hold elective office.

25 b. Each public member of the commission shall serve for a  
26 term of three years, except that of the initial members so appointed:  
27 one member shall serve for one year, two members shall serve for  
28 two years, and two members shall serve for three years. Public  
29 members shall be eligible for reappointment. They shall serve until  
30 their successors are appointed and qualified, and the term of any  
31 successor of any incumbent shall be calculated from the expiration  
32 of the term of that incumbent. A vacancy occurring other than by  
33 expiration of the term shall be filled in the same manner as the  
34 original appointment but for the unexpired term only. Public  
35 members may be removed by the Governor for cause.

36 c. The members of the commission shall serve without  
37 compensation but shall be reimbursed for necessary expenses  
38 incurred in the performance of their duties subject to the availability  
39 of funds.

40 d. The Secretary of State, or a designee, shall serve as chair,  
41 and the members of the commission shall elect annually one of the  
42 public members to serve as vice-chair. The chair may appoint a  
43 secretary, who need not be a member of the commission. The  
44 presence of a majority of the full membership of the commission  
45 shall be required for the conduct of official business.

46 e. The commission shall meet at the call of the chair. The  
47 commission shall hold at least two meetings annually which shall  
48 be held at the State capitol and at such other times and places as the

1 commission may deem expedient, including on Ellis Island.  
2 (cf: P.L.2008, c.85, s.2)

3  
4 127. Section 12 of P.L.1978, c.39 (C.52:18A-174) is amended to  
5 read as follows:

6 12. Subject to the independent approval of the State Treasurer,  
7 the board may authorize the transfer of funds necessary to permit  
8 individuals employed at **the University of Medicine and Dentistry**  
9 of New Jersey, **the New Jersey Institute of Technology, Rutgers,**  
10 **The State University, Rowan University, and any other agency,**  
11 **authority, commission, or instrumentality of State government**  
12 **which has an independent corporate existence, to participate in the**  
13 **plan.**  
14 (cf: P.L.1985, c.449, s.1)

15  
16 128. Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is amended to  
17 read as follows:

18 1. The Director of the Division of Purchase and Property may,  
19 by joint action, purchase any articles used or needed by the State  
20 and the Palisades Interstate Park Commission, the New Jersey  
21 Highway Authority, the New Jersey Turnpike Authority, the  
22 Delaware River Joint Toll Bridge Commission, the Port Authority  
23 of New York and New Jersey, the South Jersey Port Corporation,  
24 the Passaic Valley Sewerage Commission, the Delaware River Port  
25 Authority, Rutgers, The State University, **the University of**  
26 **Medicine and Dentistry of New Jersey** **Rowan University, the**  
27 **New Jersey Sports and Exposition Authority, the New Jersey**  
28 **Housing Finance Agency, the New Jersey Mortgage Finance**  
29 **Authority, the New Jersey Health Care Facilities Financing**  
30 **Authority, the New Jersey Education Facilities Authority, the New**  
31 **Jersey Economic Development Authority, the South Jersey**  
32 **Transportation Authority, the Hackensack Meadowlands**  
33 **Development Commission, the New Jersey Water Supply**  
34 **Authority, the Higher Education Student Assistance Authority or**  
35 **any other agency, commission, board, authority or other such**  
36 **governmental entity which is established and is allocated to a State**  
37 **department or any bi-state governmental entity of which the State of**  
38 **New Jersey is a member.**  
39 (cf: P.L.1999, c.440, s.89)

40  
41 129. Section 2 of P.L.2005, c.373 (C.52:27C-97) is amended to  
42 read as follows:

43 2. The Foundation for Technology Advancement shall be  
44 governed by a **23-member** 22-member board of trustees who are  
45 appointed as follows:

46 a. The Executive Director of the New Jersey Commerce  
47 Commission; the Executive Director of the New Jersey Economic

1 Development Authority; the Executive Director of the New Jersey  
2 Commission on Science and Technology; and the Chief Technology  
3 Officer in the Office of Information Technology; or their designees,  
4 all of whom shall serve ex officio;

5 b. A faculty member appointed by the president of each of the  
6 following academic institutions: The New Jersey Institute of  
7 Technology; Rutgers, the State University; [The University of  
8 Medicine and Dentistry of New Jersey;] and Princeton University,  
9 all of whom shall serve ex officio; and

10 c. Fifteen public members appointed by the Governor as  
11 follows: a representative of each of the following organizations: the  
12 New Jersey Technology Council, the Biotechnology Council of  
13 New Jersey, the Forum for Academicians, Scientists and  
14 Technologists of New Jersey, the Strengthening the Mid-Atlantic  
15 Region for Tomorrow States Organization, the New Jersey Business  
16 and Industry Association, the Commerce and Industry Association  
17 of New Jersey, the New Jersey State Chamber of Commerce, the  
18 New Jersey Tooling and Manufacturing Association, the Research  
19 and Development Council of New Jersey, the American Electronics  
20 Association - New Jersey/Pennsylvania Council, and a  
21 representative employed by a corporation from each of the  
22 following industry sectors: pharmaceuticals, financial services,  
23 advanced technology, information technology, and nanotechnology.

24 Of the public members first appointed, four shall serve for a term  
25 of two years, four for a term of three years, four for a term of four  
26 years, and three for a term of five years.

27 Members appointed thereafter shall serve five-year terms, and  
28 any vacancy shall be filled by appointment for the unexpired term  
29 only. A member is eligible for reappointment. Vacancies in the  
30 membership of the foundation shall be filled in the same manner as  
31 the original appointments were made.

32 The members shall elect a chair and vice chair from the  
33 membership of the board of trustees.

34 (cf: P.L.2007, c.253, s.38)  
35

36 130. Section 5 of P.L.2001, c.154 (C.58:10B-17.1) is amended  
37 to read as follows:

38 5. a. (1) Except where a limitations provision expressly and  
39 specifically applies to actions commenced by the State or where a  
40 longer limitations period would otherwise apply, and subject to any  
41 statutory provisions or common law rules extending limitations  
42 periods, any civil action concerning the remediation of a  
43 contaminated site or the closure of a sanitary landfill facility  
44 commenced by the State pursuant to the State's environmental laws  
45 shall be commenced within three years next after the cause of action  
46 shall have accrued.

47 (2) For purposes of determining whether a civil action subject to  
48 the limitations periods specified in paragraph (1) of this subsection

1 has been commenced within time, no cause of action shall be  
2 deemed to have accrued prior to January 1, 2002 or until the  
3 contaminated site is remediated or the sanitary landfill has been  
4 properly closed, whichever is later.

5 b. (1) Except where a limitations provision expressly and  
6 specifically applies to actions commenced by the State or where a  
7 longer limitations period would otherwise apply, and subject to any  
8 statutory provisions or common law rules extending limitations  
9 periods, any civil action concerning the payment of compensation  
10 for damage to, or loss of, natural resources due to the discharge of a  
11 hazardous substance, commenced by the State pursuant to the  
12 State's environmental laws, shall be commenced within five years  
13 and six months next after the cause of action shall have accrued.

14 (2) For purposes of determining whether a civil action subject to  
15 the limitations periods specified in paragraph (1) of this subsection  
16 has been commenced within time, no cause of action shall be  
17 deemed to have accrued prior to January 1, 2002 or until the  
18 completion of the remedial action for the entire contaminated site or  
19 the entire sanitary landfill facility, whichever is later.

20 c. As used in this section:

21 "State's environmental laws" means the "Spill Compensation and  
22 Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), the "Water  
23 Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.),  
24 P.L.1986, c.102 (C.58:10A-21 et seq.), the "Brownfield and  
25 Contaminated Site Remediation Act," P.L.1997, c.278 (C.58:10B-  
26 1.1 et al.), the "Industrial Site Recovery Act," P.L.1983, c.330  
27 (C.13:1K-6 et al.), the "Solid Waste Management Act," P.L.1970,  
28 c.39 (C.13:1E-1 et seq.), the "Comprehensive Regulated Medical  
29 Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), the  
30 "Major Hazardous Waste Facilities Siting Act," P.L.1981, c.279  
31 (C.13:1E-49 et seq.), the "Sanitary Landfill Facility Closure and  
32 Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.), the  
33 "Regional Low-Level Radioactive Waste Disposal Facility Siting  
34 Act," P.L.1987, c.333 (C.13:1E-177 et seq.), or any other law or  
35 regulation by which the State may compel a person to perform  
36 remediation activities on contaminated property; and

37 "State" means the State, its political subdivisions, any office,  
38 department, division, bureau, board, commission or agency of the  
39 State or one of its political subdivisions, and any public authority or  
40 public agency, including, but not limited to, the New Jersey Transit  
41 Corporation [and the University of Medicine and Dentistry of New  
42 Jersey] .

43 d. Nothing in the amendatory provisions to this section adopted  
44 pursuant to P.L.2009, c.60 (C.58:10C-1 et al.) shall extend a  
45 limitations period that has expired prior to the date of enactment of  
46 P.L.2009, c.60 (C.58:10C-1 et al.).

47 (cf: P.L.2009, c.60, s.50)

1       131. Section 8 of P.L.2001, c.246 (App.A:9-71) is amended to  
2 read as follows:

3       8. a. There is established in the Department of Law and Public  
4 Safety the Domestic Security Preparedness Planning Group, which  
5 shall assist the task force in performing its duties under this act. In  
6 cooperation with the task force, the planning group shall develop  
7 and provide to the task force, for consideration, a coordinated plan  
8 to be included in the State Emergency Operations Plan to prepare  
9 for, respond to, mitigate and recover from incidents of terrorism.  
10      b. The members of the planning group shall include the  
11 Director of the New Jersey Office of Emergency Management, the  
12 Adjutant General of Military and Veterans' Affairs or his designee,  
13 the Commissioner of Agriculture or his designee, the Commissioner  
14 of Community Affairs or his designee, the Commissioner of  
15 Corrections or his designee, the Commissioner of Environmental  
16 Protection or his designee, the Commissioner of Health and Senior  
17 Services or his designee, the Commissioner of Human Services, or  
18 his designee, the Commissioner of Transportation or his designee,  
19 the Executive Director of the New Jersey Transit Corporation or his  
20 designee, the State Treasurer or his designee, the New Jersey State  
21 Medical Examiner or his designee, [a representative of the  
22 University of Medicine and Dentistry of New Jersey,] the President  
23 of the Board of Public Utilities or his designee, a representative of  
24 the New Jersey County Emergency Management Coordinators  
25 Association, a representative of the New Jersey State Fire Chiefs  
26 Association, and a representative of the New Jersey State Police  
27 Chiefs Association. The planning group may include, to the extent  
28 such individuals may be made available for such purpose, a  
29 representative of the Federal Emergency Management Agency, a  
30 representative of the Federal Bureau of Investigation, a  
31 representative of the American Red Cross, and a representative of  
32 such other charitable groups as may be appropriate. The  
33 chairperson of the task force shall appoint the chair and vice chair  
34 of the planning group.  
35 (cf: P.L.2001, c.246, s.8)

36  
37       132. The following sections are repealed:  
38 P.L.1970, c.102 (C.18A:64G-1 et seq.);  
39 Sections 3, 6, 19, 20, 21, and 22 of P.L.1981, c.325 (C.18A:64G-  
40 3.1, 18A:64G-4.1, 18A:64G-3.3, 18A:64G-3.4, 18A:64G-3.5,  
41 18A:64G-3.6);  
42 Sections 1, 7, and 8 of P.L.1992, c.84 (C.18A:64G-3.8,  
43 18A:64G-3.9, and 18A:64G-3.);  
44 Section 4 of P.L.2006, c.95 (C.18A:64G-6.2); and  
45 Section 1 of P.L.1979, c.1 (C.18A:64G-20.1).

46  
47       133. This act shall take effect on the 180th day after the date of  
48 enactment, but anticipatory administrative action may be taken in



- 1 advance of the operative date as shall be necessary for the
- 2 implementation of this act.