

[Second Reprint]

ASSEMBLY, No. 1385

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WILLIAM F. MOEN

District 5 (Camden and Gloucester)

SYNOPSIS

Requires members of governing boards of public institutions of higher education to complete training program developed by institution in consultation with Secretary of Higher Education.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 3, 2021.



1 AN ACT concerning the members of governing boards of public
 2 institutions of higher education, amending P.L.2009, c.308, and
 3 supplementing chapter 3B of Title 18A of the New Jersey
 4 Statutes.

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

8
 9 1. (New section) a. As a condition of serving as a member of
 10 the governing board of a public institution of higher education, a
 11 person shall be required to complete a training program developed
 12 **‘[or approved]’** by **‘that institution in consultation with’**¹ the
 13 Secretary of Higher Education that is designed to clarify the roles
 14 and duties of a governing board member.

15 b. The training shall be completed no later than **‘[six months]**
 16 **one year**¹ after the date that the person is appointed as a member of
 17 the governing board of a public institution of higher education;
 18 except that a person who serves as a member of a governing board
 19 prior to the effective date of this act shall **‘[complete the training**
 20 **no later than six months after the effective date]** **not be required to**
 21 **complete the training**¹.

22 c. The **‘institution, in consultation with the’**¹ secretary^{1,1} shall:
 23 (1) prescribe the subject matter of the training which shall
 24 include, but need not be limited to, governance responsibilities,
 25 ethical standards, due diligence, the requirements of the “Senator
 26 Byron M. Baer Open Public Meetings Act,” P.L.1975, c.231
 27 (C.10:4-6 et seq.), and P.L.1963, c.73 (C.47:1A-1 et seq.), issues
 28 associated with laws on privacy, board member fiduciary
 29 responsibilities, and a review of the types of financial,
 30 organizational, legal, and regulatory issues that a member of a
 31 governing board may be required to consider in the course of
 32 discharging the member’s governance responsibilities;

33 (2) provide the training directly or arrange for, or specify, the
 34 entity or entities to provide the training **‘[. In the case of a county**
 35 **college, the secretary shall designate the New Jersey Council of**
 36 **County Colleges to provide the training]’**^{1 2}. **In the case of a county**
 37 **college, the secretary shall designate the New Jersey Council of**
 38 **County Colleges to provide the training**²;

39 (3) conduct a periodic review of the prescribed subject matter of
 40 the training to insure that the training includes information on
 41 relevant changes to State or federal law and other information
 42 deemed necessary to enable governing board members to serve
 43 effectively;

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHI committee amendments adopted June 2, 2021.

²Assembly floor amendments adopted June 3, 2021.

1 (4) certify completion of the training for each governing board
2 member upon receipt of documentation thereof, as provided on a
3 form and in a manner prescribed by the secretary, or otherwise
4 arrange for certification by the training entity; and

5 (5) take other such actions as the secretary determines
6 appropriate to effectuate the purposes of this act.
7

8 2. Section 17 of P.L.2009, c.308 (C.18A:3B-62) is amended to
9 read as follows:

10 17. A public research university and State college shall provide
11 information, orientation, and training to each of its governing board
12 members on the legal and ethical responsibilities of a member of the
13 governing board. The training provided to governing board
14 members shall be in accordance with the provisions of section 1 of
15 P.L. , c. (C.) (pending before the Legislature as this bill).
16 (cf: P.L.2009, c.308, s.17)
17

18 3. The Secretary of Higher Education shall adopt rules and
19 regulations pursuant to the “Administrative Procedure Act,”
20 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
21 this act.
22

23 4. This act shall take effect on the 180th day after the date of
24 enactment, but the Secretary of Higher Education may take such
25 anticipatory administrative action in advance thereof as shall be
26 necessary for the implementation of this act.