

[First Reprint]

ASSEMBLY, No. 5769

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 18, 2021

Sponsored by:

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District 15 (Hunterdon and Mercer)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

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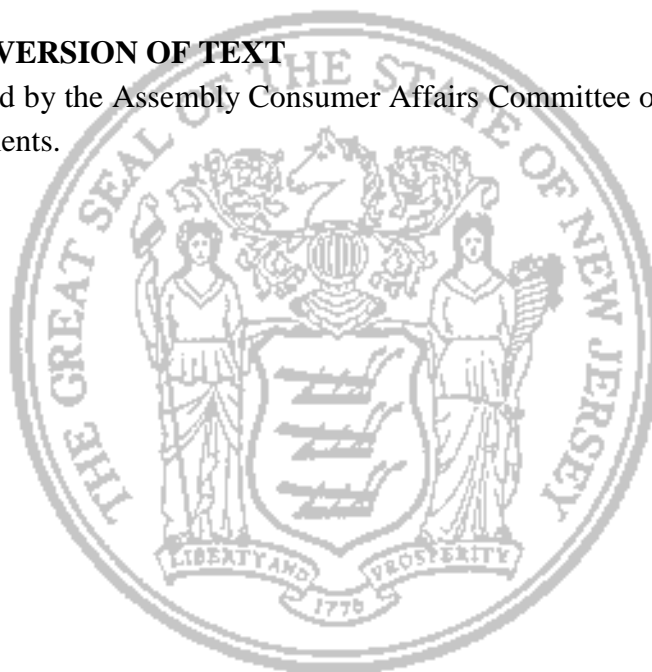
**Assemblywoman Sumter, Assemblyman Zwicker and Assemblywoman
Timberlake**

SYNOPSIS

Establishes Kean University as public urban research university.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on June 2, 2021,
with amendments.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning Kean University, supplementing Title 18A of
2 the New Jersey Statutes, and revising various parts of the
3 statutory law.

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 “Kean University Act.”

10

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

12 a. Kean University is a State university located in Union, Toms
13 River, Manahawkin, and Jefferson, New Jersey, and Wenzhou,
14 China, currently operating pursuant to the authority granted to State
15 colleges by N.J.S.18A:64-1 et seq. and P.L.1994, c.48 (C.18A:3B-1
16 et seq.).

17 b. An urban research university is defined as an institution of
18 higher education having one or more campus locations based at an
19 urban center that reflects the diversity of the region’s urban centers,
20 serves as a hub for urban economic development by collaborating
21 with policymakers and business leaders throughout the State, and
22 applies education and research to inform urban public policy.
23 Urban research universities provide high quality education at the
24 undergraduate and graduate levels to underrepresented and
25 underserved populations, predominantly commuter students, who
26 would otherwise encounter numerous obstacles to advance beyond
27 secondary education. By doing so, urban research universities play
28 a vital and unique role in changing the face of professions that have
29 historically been homogenous and monolithic, such as science,
30 technology, engineering, and mathematics (STEM) fields,
31 architecture, clinical sciences, and medicine. Urban research
32 universities enrich the diversity of college student demographics,
33 promote inclusion, and nurture diversity of thought to the problem
34 solving of society’s most challenging issues.

35 c. Building on a distinguished 166-year history, Kean
36 University is a leading institution of higher education in New
37 Jersey. The university’s eight colleges and schools serve 14,000
38 undergraduate and graduate students in more than 50 baccalaureate
39 programs and more than 60 programs of graduate study, including
40 six doctoral programs.

41 d. Kean University is currently comprised of the College of
42 Liberal Arts, the Michael Graves College, the Dorothy and George
43 Hennings College of Science, Mathematics and Technology, the
44 College of Education, the College of Business and Public
45 Management, The New Jersey Center for Science, Technology and

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 ACO committee amendments adopted June 2, 2021.

1 Mathematics, the School of Kean Online Education, and the Nathan
2 Weiss Graduate College.

3 e. Effective December 4, 2017, the Office of the Secretary of
4 Higher Education officially changed Kean University's
5 programmatic mission to a doctoral degree-granting institution.

6 f. Since its founding in 1855 as the Newark Normal School,
7 Kean University has evolved from an urban-based teacher education
8 school into a comprehensive, doctoral-granting urban-research
9 university with a global reach. Since the Northwest Ordinance of
10 1787, access to higher education has been viewed as a right by
11 states, to prepare an educated citizenry as a foundation of social and
12 economic development of their communities.

13 g. Kean University has more than 30 research centers,
14 including the John S. Watson Institute for Urban Policy and
15 Research that engages the New Jersey Urban Mayors Association
16 that works with state and federal agencies, lawmakers, and
17 nongovernmental and community-based organizations to develop
18 and advance progressive and effective public policy to benefit urban
19 communities. Partnership with the New Jersey Legislative Black
20 Caucus allows Kean University to create innovative and sustaining
21 policies to unite thought leaders, decision-makers, and higher
22 education to address the systemic and structural need for equity in
23 urban communities.

24 h. Kean University is recognized for its diversity and social
25 mobility by the U.S. News and World Report, with an enrollment of
26 61 percent students of color. Kean University is designated as a
27 Hispanic-Serving Institution by the federal Department of
28 Education, exceeding the requirement of 25 percent of full-time
29 equivalent status, with Hispanic students comprising 34 percent of
30 the enrollment. The preponderance of Hispanic and African
31 American students reflects the rich diversity of the proximate urban
32 centers of Newark and Elizabeth, New Jersey to Kean University's
33 main campus in Union.

34 i. More than half of the students at Kean University are
35 supported by Pell Grants and are the first in their family to attend
36 college.

37 j. Kean University graduates, from undergraduate to doctoral
38 programs, reflect the diversity of New Jersey's urban centers. Kean
39 University's Hispanic and African American graduates represent 38
40 percent of baccalaureate degree recipients, 43 percent of Master's
41 degree recipients, and 31 percent of doctoral degree recipients, far
42 exceeding the nationwide averages for this group among
43 baccalaureate degree recipients (25 percent), Master's degree
44 recipients (24 percent), and doctoral degree recipients (17 percent).
45 Such diversity ranks Kean University among the most diverse urban
46 research universities in the nation. The five-year graduation rates
47 for Hispanic and African American students (at 77 percent and 63
48 percent respectively) in the combined Bachelor of Science and

1 Master of Science at Kean University's New Jersey Center for
2 Science, Technology and Mathematics are more than triple the
3 national average. Kean University qualified for State funding
4 through the New Jersey Office of the Secretary of Higher
5 Education's Outcomes-Based Allocation, with 43 percent academic
6 degree completions by underrepresented minorities and 5,717 Pell
7 Grant recipients for the 2019 to 2020 academic year.

8 k. Kean University's mission statement, "to serve as active and
9 contributing members of their communities," along with goals to
10 continue to evolve as a "doctoral university with rigorous research
11 activity" and to position Kean University as a "cultural, economic,
12 and educational epicenter for the entire community" in "Beyond
13 2020: Kean University Strategic Plan 2020-2025," are consistent
14 with criteria for urban research universities in the nation.

15 l. Kean University recently launched the Kean Scholar
16 Academy Innovative, an innovative dual enrollment program for
17 high school students. Students from urban districts in Union,
18 Essex, Passaic, and Middlesex counties can earn college credits in a
19 selected major and benefit from mentors and social-emotional
20 support.

21 m. Kean University has been recognized through awards of
22 highly competitive research grants from federal agencies including
23 the National Endowment for the Humanities, National Science
24 Foundation, National Institutes of Health, and the Department of
25 Education. These grant awards have supported the enhancement of
26 education and research for underrepresented and underserved
27 students, including Spanish-speaking students seeking degrees in
28 computer science.

29 n. Kean University has established the Center for Clinical
30 Laboratory Science and Pandemic Research that includes a
31 federally certified laboratory for COVID-19 testing on campus.
32 Kean University's COVID-19 testing and research capabilities
33 result from a unique partnership between the University, Union
34 County, the State, and private industry. Research seeks solutions to
35 address public health issues and racial health disparities
36 experienced during the pandemic. COVID-19 vaccinations are
37 available on campus in Union, New Jersey and mobile support is
38 available for urban centers across the State.

39 o. In light of Kean University's continuous contributions and
40 commitment to the advancement of important research initiatives, it
41 is appropriate at this time to designate Kean University as a public
42 urban research university.

43
44 3. (New section) As used in this act "Kean University,"
45 hereinafter referred to as "university," shall, unless the context
46 clearly indicates to the contrary, include and mean the public urban
47 research university herein designated "Kean University" as
48 presently and hereafter constituted, including all departments,

1 colleges, schools, centers, branches, educational and other units and
2 extensions thereof, extension and cooperative education programs,
3 continuing education programs and all other departments of higher
4 education maintained by the educational entity of the university.

5
6 4. (New section) There is hereby established a body corporate
7 and politic to be known as Kean University. The exercise by the
8 university of the powers conferred by this act shall be deemed to be
9 public and essential governmental functions necessary for the
10 welfare of the State and the people of New Jersey.

11
12 5. (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 6. (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 7. (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 the member's successor
30 shall have been appointed and qualified and vacancies shall be
31 filled in the same manner as the original appointments for the
32 remainder of the unexpired terms. Any member of the board of
33 trustees may be removed by the Governor for cause upon notice and
34 opportunity to 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 the
47 trustee's duties or in rendering service as a member of or on behalf
48 of the 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. If any member of the board shall
8 become ineligible by reason of the foregoing, a vacancy in the
9 member's office as trustee shall thereby occur.

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

16

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

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

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

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

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

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

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

47 (3) any pending or anticipated litigation in which the board is,
48 or may become, a party, where it could adversely affect the public

1 interest if discussion of these matters were disclosed, or any matters
2 falling within the attorney-client privilege, to the extent that
3 confidentiality is required in order for the attorney to exercise the
4 attorney's ethical duties as a lawyer.

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

8

9 9. (New section) The board of trustees of the university shall
10 have the general supervision over and be vested with the conduct of
11 the university. It shall have the power and duty to:

12 a. adopt and use a corporate seal;

13 b. determine the educational curriculum and program of the
14 university;

15 c. determine policies for the organization, administration, and
16 development of the university;

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

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

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

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

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

46 i. consistent with the provisions of its budget, this act and any
47 and all controlling collective bargaining agreements, have the
48 power, upon nomination or recommendation of the president, to

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

1 s. manage and maintain, and provide for the payment of all
2 charges on and expenses in respect of, all properties utilized by the
3 university;

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

12 u. authorize any new program, educational department or
13 school consistent with the programmatic mission of the institution
14 or approved by the Secretary of Higher Education;

15 v. adopt standing operating rules and procedures for the
16 purchase of all equipment, materials, supplies and services;
17 however, no contract on behalf of the university shall be entered
18 into for the purchase of services, materials, equipment and supplies,
19 for the performance of any work, or for the hiring of equipment or
20 vehicles, where the sum to be expended exceeds \$33,000 or the
21 amount determined by the Governor as provided herein, unless the
22 university shall first publicly advertise for bids and shall award the
23 contract to that responsible bidder whose bid, conforming to the
24 invitation for bids, will be most advantageous to the university,
25 price and other factors considered. Such advertising shall not be
26 required in those exceptions created by the board of trustees of the
27 university, which shall be in substance those exceptions contained
28 in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and C.52:34-10)
29 and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying
30 of any product or the rendering of any service by a public utility
31 subject to the jurisdiction of the Board of Public Utilities of this
32 State and tariffs and schedules of the charges made, charged, or
33 exacted by the public utility for any such products to be supplied or
34 services to be rendered are filed with the said board. Commencing
35 on July 1 next following the effective date of this act, and every two
36 years thereafter, the Governor, in consultation with the Department
37 of the Treasury, shall adjust the threshold amount set forth in this
38 subsection in direct proportion to the rise or fall of the consumer
39 price index for all urban consumers in the New York City and the
40 Philadelphia areas as reported by the United States Department of
41 Labor. The Governor shall notify the university of the adjustment.
42 The adjustment shall become effective on July 1 of the year in
43 which it is reported. This subsection shall not prevent the
44 university from having any work performed by its own employees,
45 nor shall it apply to repairs, or to the furnishing of materials,
46 supplies or labor, or the hiring of equipment or vehicles, when the
47 safety or protection of its or other public property or the public
48 convenience requires or the exigency of the university's service will

1 not admit of such advertisement. In such case, the university shall,
2 by resolution passed by the affirmative vote of its board of trustees,
3 declare the exigency or emergency to exist, and set forth in the
4 resolution the nature and approximate amount to be expended; shall
5 maintain appropriate records as to the reason for such awards; and
6 shall report regularly to its board of trustees on all such purchases,
7 the amounts and the reasons therefor;

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

12 (1) investment in not-for-profit corporations or for-profit
13 corporations organized and operated pursuant to the provisions of
14 subsection x. of this section may utilize income realized from the
15 sale or licensing of intellectual property as well as the reinvestment
16 of earnings on intellectual property; and

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

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

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

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

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

40 (5) funds directly appropriated to the university from the State
41 or derived from the university's academic programs shall not be
42 utilized by the for-profit or not-for-profit corporations organized
43 and operated pursuant to this subsection in the development,
44 manufacture, or marketing of products, technology or scientific
45 information;

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

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

4 (8) income realized by the university as a result of participation
5 in the development, manufacture, or marketing of products,
6 technology, or scientific information may be invested or reinvested
7 pursuant to subsection w. of this section, or any other provision of
8 this act or State or federal law, or retained by the board for use in
9 furtherance of any of the purposes of this act or of other applicable
10 statutes;

11 (9) the board shall annually report to the State Treasurer on the
12 operation of all joint ventures, subsidiary corporations,
13 partnerships, or such other jural entities entered into or owned
14 wholly or in part by the university;

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

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

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

33 (2) moneys in the fund known as the Self-Insurance Trust Fund
34 administered by the State Treasurer shall continue to be available to
35 the university solely to indemnify and defend claims against the
36 university and its employees, officers and servants but only to the
37 extent that the university has elected on behalf of itself and its
38 employees to obtain representation from the Attorney General
39 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-
40 6) and such entity or individuals would have been entitled to
41 defense and indemnification pursuant to the "New Jersey Tort
42 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State
43 employee but for the provision of subsection z. of this section. Any
44 expenditure of such funds shall be made only in accordance with
45 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et
46 seq., including but not limited to the provisions of chapters 10, 10A,
47 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall
48 be construed to authorize the use of the Self-Insurance Trust Fund

1 to indemnify or insure in any way, directly or indirectly the
2 activities of any joint venture, partnership or corporation entered
3 into or created by the university pursuant to subsection x. of this
4 section;

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

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

13 dd. establish a procedure for the confidential, anonymous
14 submission of employee concerns regarding alleged wrongdoing at
15 the university.

16

17 10. (New section) Notwithstanding the provisions of section 43
18 of P.L.2009, c.90 (C.18A:64-85) to the contrary, the university may
19 enter into a public-private partnership agreement in accordance with
20 the provisions of that section.

21

22 11. (New section) a. The university is authorized to be a
23 participating contracting unit in a cooperative pricing system
24 established pursuant to the laws of this State.

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

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

36

37 12. (New section) All functions, powers and duties relating to
38 the investment or reinvestment of funds other than those funds
39 specified in subsection w. of section 9 of P.L. , c. (C.)
40 (pending before the Legislature as this bill) within the jurisdiction
41 of the board of trustees including the purchase, sale, or exchange of
42 any investments or securities may be exercised and performed by
43 the Director of the Division of Investment in the Department of the
44 Treasury in accordance with the provisions of P.L.1950, c.270
45 (C.52:18A-79 et seq.) if so authorized by the board. Before any
46 such investment, reinvestment, purchase, sale, or exchange shall be
47 made by the director for or on behalf of the board of trustees, the
48 Director of the Division of Investment shall submit the details

1 thereof to the board, which shall, itself or by its finance committee,
2 within 48 hours, exclusive of Sundays and public holidays, after
3 such submission to it, file with the director its written acceptance or
4 rejection of such proposed investment, reinvestment, purchase, sale,
5 or exchange; and the director shall have authority to make such
6 investment, reinvestment, purchase, sale, or exchange for or on
7 behalf of the board, unless there shall have been filed with him a
8 written rejection thereof by the board or its finance committee as
9 herein provided. The board of trustees shall determine from time to
10 time the cash requirements of the various funds and accounts
11 established by it and the amount available for investment, all of
12 which shall be certified to the State Treasurer and the Director of
13 the Division of Investment.

14 The finance committee of the board of trustees shall consist of
15 three members of the board who shall be appointed in the same
16 manner and for the same term as other committees of the board are
17 appointed.

18

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

24 a. the board's rules, regulations, resolutions, and official policy
25 statements;

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

29 c. the minutes of each meeting of the board and its committees;
30 and

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

34

35 14. (New section) The board of trustees, in addition to the other
36 powers and duties provided herein, shall be vested with the right of
37 perpetual succession and shall have and exercise all the powers,
38 rights, and privileges that are incident to the proper governance,
39 conduct, and management of the university and the control of its
40 properties and funds and such powers granted to the university or
41 the board or reasonably implied, may be exercised without recourse
42 or reference to any department or agency of the State, except as
43 otherwise provided by this act.

44

45 15. (New section) The board shall appoint and fix the
46 compensation of a president of the university. The president shall
47 be responsible to the board of trustees and shall have such powers
48 as shall be requisite for the executive management and conduct of

1 the university in all departments, branches and divisions, and for the
2 execution and enforcement of bylaws, ordinances, rules,
3 regulations, statutes, and orders governing the management,
4 conduct and administration of the university.

5
6 16. (New section) No trustee or officer of the university shall be
7 personally liable for any debt, obligation, or other liability of the
8 university or incurred by or on behalf of the university or any
9 constituent unit thereof.

10
11 17. (New section) The board of trustees shall advise the
12 Governor and Legislature, in consultation with the Secretary of
13 Higher Education and the President's Council and successor bodies,
14 on the manner in which the facilities and services of the university
15 may be utilized so as to increase the efficiency of the public
16 education system and provide, maintain, and improve upon the
17 quality of higher education for the people of the State. The board of
18 trustees shall make recommendations to the Governor and the
19 Legislature respecting the needs for the facilities and services of the
20 university as an educational instrumentality of the State for that
21 purpose.

22
23 18. (New section) Subject to the provisions of P.L.1969, c.242
24 (C.18A:66-167 et seq.) and except as otherwise provided by law,
25 the university shall be deemed to be an employer for the purposes
26 of the "Public Employees' Retirement System Act," P.L.1954, c.84
27 (C.43:15A-1 et seq.), and shall also be deemed to be a "public
28 agency or organization" within the meaning of section 71 of
29 P.L.1954, c.84 (C.43:15A-71). The university's commissioned
30 police officers shall be eligible for participation in and subject to
31 the provisions of the "Police and Firemen's Retirement Systems
32 Act," P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall
33 be deemed an employer within the meaning of P.L.1944, c.255
34 (C.43:16A-1 et seq.).

35
36 19. (New section) Nothing herein contained shall be construed
37 to impair, annul or affect any vested rights, grants, privileges,
38 exemptions, immunities, powers, prerogatives, franchises, or
39 advantages heretofore obtained or enjoyed by the university or any
40 constituent unit thereof, under any authority or any act of this State
41 or under any grant, deed, conveyance, transfer, lease, estate,
42 remainder, expectancy, trust, gift, donation, legacy, devise,
43 endowment or fund, all of which are hereby ratified and confirmed
44 except insofar as the same may have expired, be or have been
45 repealed or altered, or may be inconsistent with this act or with
46 existing provisions of law; subject however, thereto and to all of the
47 rights, obligations, relations, conditions, terms, trust, duties, and
48 liabilities to which the same are subject.

1 20. (New section) The enactment and adoption of this act shall
2 not, of itself, affect the official, operational, or organizational status
3 of any officer of the university or any and all outstanding
4 authorizations of any officer, agent, or employee to take specified
5 action, or any and all outstanding commitments or undertakings of
6 or by the university, except and only to the extent that any of the
7 same may be inconsistent with this act.

8
9 21. (New section) Upon the establishment of the body corporate
10 and politic known as Kean University:

11 a. all appropriations, grants, debt service, research funds, and
12 other monies available to Kean University prior to the effective date
13 of this act and to become available shall be transferred to the
14 university by the Director of the Division of Budget and Accounting
15 in the Department of the Treasury and shall be available for the
16 objects and purposes for which appropriated, subject to any terms,
17 restrictions, limitations or other requirements imposed by the State
18 budget;

19 b. all other grants, gifts, other moneys and property available to
20 Kean University prior to the effective date of this act and to become
21 available to or for Kean University shall be transferred to the
22 university and shall be available for the objects and purposes of the
23 university, subject to any terms, restrictions, limitations or other
24 requirements imposed by State and federal law or otherwise;

25 c. all employees of Kean University prior to the effective date
26 of this act shall become employees of the university. Nothing in
27 this act shall be construed so as to deprive any person of any right
28 of tenure or under any retirement system or to any pension,
29 disability, social security or similar benefit, to which the person is
30 entitled by law or contractually. All persons employed at Kean
31 University shall continue to be represented by the majority
32 representative that represented them on the effective date of this act,
33 shall continue to be represented by the executive branch Statewide
34 collective negotiations units they were in on the effective date of
35 this act, and shall continue to be covered by the collective
36 negotiations agreements that were in effect on the effective date of
37 this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1),
38 the Governor shall continue to function as the public employer
39 under the "New Jersey Employer-Employee Relations Act,"
40 P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at Kean
41 University. The executive branch Statewide collective negotiations
42 units referenced in this section are the units specified in subsection
43 b. of section 1 of P.L.2005, c.142 (C.34:13A-5.10). The employees
44 of Kean University employed on the effective date of this act shall
45 not be considered new employees for any purpose and shall retain
46 any accrued seniority, rank, and tenure, which shall be applied
47 when determining eligibility for all benefits, including all paid
48 leave time, longevity increases, promotions and health benefits.

1 Nothing in this act shall be construed to deprive any person
2 employed at Kean University of any tenure rights or to in any
3 manner affect the tenure, rank, or academic track of any employees
4 holding a faculty position. Such tenure, rank and academic track
5 shall continue to be through Kean University and shall be held or
6 granted pursuant to the authority of the board of trustees of Kean
7 University for all current and future employees employed at Kean
8 University. Nothing in this act shall be construed to deprive any
9 officers or employees employed at Kean University of their rights,
10 privileges, obligations or status under any pension, retirement,
11 health benefits system, civil service law or any other law of this
12 State;

13 d. all files, papers, records, equipment and other personal
14 property of Kean University shall be transferred to the university;
15 and

16 e. all orders, rules or regulations theretofore made or
17 promulgated by Kean University shall continue in full force and
18 effect as the orders, rules and regulations of the university until
19 amended or repealed by the university.
20

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

32 23. (New section) Whenever in any law, rule, regulation,
33 contract, document, judicial or administrative proceeding or
34 otherwise, reference is made to Kean University, the same shall
35 mean and refer to Kean University, herein referred to as
36 "university," established as a public urban research university
37 pursuant to the provisions of this act.
38

39 24. (New section) The general powers of supervision and
40 control of the Secretary of Higher Education at the request of the
41 Governor over Kean University include the power to visit the
42 university to examine into its manner of conducting its affairs and
43 to enforce an observance of its laws and regulations and the laws of
44 the State.
45

46 25. (New section) Notwithstanding any of the provisions of the
47 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to

1 the contrary, contract claims and suits against the university shall be
2 governed by that act.

3
4 26. (New section) Every contract or agreement negotiated,
5 awarded or made pursuant to this act shall contain a suitable
6 warranty by the contractor that no person or selling agency has been
7 employed or retained to solicit or secure such contract upon an
8 agreement or understanding for a commission, percentage,
9 brokerage or contingent fee, except bona fide employees or bona
10 fide established commercial or selling agencies maintained by the
11 contractor for the purpose of securing business, for the breach or
12 violation of which warranty the university shall have the right to
13 annul such contract without liability or in its discretion to deduct
14 from the contract price or consideration the full amount of such
15 commission, percentage, brokerage or contingent fee.

16
17 27. (New section) Any person willfully authorizing, consenting
18 to, making or procuring to be made payment of university funds for
19 or on account of any purchase, contract or agreement known to the
20 person to have been made or entered into in violation of any of the
21 provisions of this act shall be guilty of a misdemeanor.

22
23 28. (New section) The payment of any fee, commission or
24 compensation of any kind or the granting of any gift or gratuity of
25 any kind, either directly or indirectly, whether or not in connection
26 with any purchase, sale or contract, to any person employed by
27 Kean University, having any duties or responsibilities in connection
28 with the purchase or acquisition of any property or services by the
29 university, by or on behalf of any seller or supplier who has made,
30 negotiated, solicited or offered to make and contract to sell or
31 furnish real or personal property or services to the university is
32 hereby prohibited. Any person offering, paying, giving, soliciting or
33 receiving any fee, commission, compensation, gift or gratuity in
34 violation of this section shall be guilty of a misdemeanor.

35
36 29. (New section) The provisions of this act shall not alter the
37 term of any member of the board, not specifically abolished herein,
38 lawfully in office as of the effective date of this act, or require the
39 reappointment thereof.

40
41 30. (New section) No provision of this act shall be deemed or
42 construed to create or constitute a debt, liability, or a loan or pledge
43 of the credit, of the State of New Jersey.

44
45 31. (New section) This act, being deemed and declared
46 necessary for the welfare of the State and the people of New Jersey
47 to provide for the development of public higher education in the
48 State and thereby to improve the quality and increase the efficiency

1 of the public system of educational services of the State, shall be
2 liberally construed to effectuate the purposes and intent thereof.

3
4 32. (New section) In accordance with the provisions of section
5 27 of P.L.1994, c.48 (C.18A:3B-27), the university is allocated to
6 the Department of State for the purposes of complying with the
7 provisions of Article V, Section IV, paragraph 1 of the New Jersey
8 Constitution. Notwithstanding this allocation, the university shall
9 be independent of any supervision or control of the Department of
10 State or any board, commission, or officer thereof and the allocation
11 shall not in any way affect the principles of institutional autonomy
12 established by that act and as otherwise enumerated herein.

13
14 33. (New section) Nothing in P.L. , c. (C.) (pending
15 before the Legislature as this bill) shall be construed to modify or
16 contravene the rights and obligations of employers or employees
17 under the "New Jersey Employer-Employee Relations Act,"
18 P.L.1941, c.100 (C.34:13A-1 et seq.).

19
20 34. 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, Rowan University, **【and】**
25 Montclair State University , and Kean University who perform
26 services similar to those performed by employees of the New Jersey
27 State colleges who are in the career service shall be three working
28 days per calendar year. Administrative leave shall not be
29 cumulative and any administrative leave unused by an employee at
30 the end of any year shall be cancelled.

31 (cf: P.L.2017, c.178, s.34)

32
33 35. 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, Rowan
36 University, **【and】** Montclair State University , and Kean University.
37 The supplemental compensation provided under this chapter shall
38 also be paid to each employee of Rutgers, The State University,
39 New Jersey Institute of Technology, Rowan University, **【and】**
40 Montclair State University , and Kean University who performs
41 services similar to those performed by employees of the New Jersey
42 State colleges who are in the career service or who have been
43 granted sick leave under terms and conditions similar to career
44 service employees, including those employees of Rutgers, The State
45 University who are members of the Newark Employees' Retirement
46 System.

47 (cf: P.L.2017, c.178, s.35)

1 36. 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 "Council of County Colleges" means the New Jersey Council of
12 County Colleges established pursuant to N.J.S.18A:64A-26;

13 "County college" means an educational institution established by
14 one or more counties, pursuant to chapter 64A of Title 18A of the
15 New Jersey Statutes;

16 "Educational research and services corporation" means a
17 nonprofit corporation whose voting members are public research
18 universities, State colleges, county colleges, public institutions of
19 higher education primarily located in the State of New Jersey, and
20 nonprofit independent institutions of higher education that receive
21 direct State aid;

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

27 "Public Research University" means Rutgers, The State
28 University of New Jersey, Rowan University, the New Jersey
29 Institute of Technology, **[and]** Montclair State University , and
30 Kean University;

31 "State college" means any of the State colleges or universities
32 established pursuant to chapter 64 of Title 18A of the New Jersey
33 Statutes including any State college designated as a teaching
34 university.

35 (cf: P.L.2017, c.178, s.36)

36

37 37. Section 6 of P.L.1994, c.48 (C.18A:3B-6) is amended to
38 read as follows:

39 6. The governing board of each public institution of higher
40 education shall have the following general powers and duties to
41 fulfill its mission and the Statewide goals in cooperation with other
42 institutions and the State coordinating structures:

43 a. To develop an institutional plan and to determine the
44 programs and degree levels to be offered by the institution
45 consistent with this plan and the institution's programmatic mission;

46 b. To have authority over all matters concerning the
47 supervision and operations of the institution including fiscal affairs,
48 the employment and compensation of staff not classified under Title

- 1 11A of the New Jersey Statutes, and capital improvements in
2 accordance with law;
- 3 c. To set tuition and fees; however, prior to the date of the
4 adoption of a tuition or fee schedule or an overall institutional
5 budget, and with reasonable notice thereof, the governing board
6 shall conduct a public hearing at such times and places as will
7 provide those members of the college community who wish to
8 testify with an opportunity to be heard;
- 9 d. To establish admission standards and requirements and
10 standards for granting diplomas, certificates and degrees;
- 11 e. To recommend for appointment by the Governor, members
12 to the institution's governing board. The recommendation shall be
13 made with regard to the mission of the institution and the diversity
14 of the community to be served;
- 15 f. To have final authority to determine controversies and
16 disputes concerning tenure, personnel matters of employees not
17 classified under Title 11A of the New Jersey Statutes, and other
18 issues arising under Title 18A of the New Jersey Statutes involving
19 higher education except as otherwise provided herein. Any matter
20 arising under this subsection may be assigned to an administrative
21 law judge, an independent hearing officer or to a subcommittee of
22 the governing board for hearing and initial decision by the board,
23 except for tenure hearings under N.J.S.18A:6-18. Any hearings
24 conducted pursuant to this section shall conform to the requirements
25 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
26 1 et seq.). The final administrative decision of a governing board of
27 a public institution of higher education is appealable to the Superior
28 Court, Appellate Division;
- 29 g. To invest and reinvest the funds of the institution; however,
30 institutions which invest the funds of the institution through the
31 Director of the Division of Investment in the Department of the
32 Treasury on or before the effective date of this act shall continue to
33 do so, unless this requirement is waived by the State Treasurer on
34 an annual basis, which waiver shall not be unreasonably withheld;
- 35 h. To retain legal counsel of the institution's choosing. State
36 entities may choose representation by the Attorney General;
37 however, as to claims of a tortious nature, the institution shall elect
38 within 75 days of the effective date of this act whether it, and its
39 employees, shall be represented in all such matters by the Attorney
40 General. If the institution elects not to be represented by the
41 Attorney General, it shall be considered and its employees
42 considered employees of a sue and be sued entity for the purposes
43 of the "New Jersey Tort Claims Act" only. The institution shall be
44 required in that circumstance to provide its employees with defense
45 and indemnification consistent with the terms and conditions of the
46 Tort Claims Act in lieu of the defense and indemnification that such
47 employees would otherwise seek and be entitled to from the

1 Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972,
2 c.48 (C.59:10A-1 et seq.);

3 i. To be accountable to the public for fulfillment of the
4 institution's mission and Statewide goals and for effective
5 management of the institution;

6 j. To submit a request for State support to the Division of
7 Budget and Accounting in the Department of the Treasury and to
8 the commission in accordance with the provisions of this act;

9 k. To have prepared and made available to the public an annual
10 financial statement, and a statement setting forth generally the
11 moneys expended for government relations, public relations and
12 legal costs;

13 l. To have prepared an annual independent financial audit,
14 which audit and any management letters regarding that audit shall
15 be deemed public documents.

16 These powers and duties are in addition to and not a limitation of
17 the specific powers and duties provided for the governing board of
18 each public institution under chapter 64, 64A, 64G, 64E, or 64M of
19 Title 18A of the New Jersey Statutes, **or** P.L.2017, c.178
20 (C.18A:64N-1 et al.) , or P.L. , c. (C.) (pending before the
21 Legislature as this bill). If the provisions of this section are
22 inconsistent with these specific powers and duties, the specific
23 powers and duties shall govern.

24 (cf: P.L.2017, c.178, s.37)

25

26 38. 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 **16** 17 members as follows:

31 The president of Rutgers, The State University;

32 The president of New Jersey Institute of Technology;

33 The president of Rowan University;

34 The president of Montclair State University;

35 The president of Kean 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 Rowan University, the president of
48 New Jersey Institute of Technology, **and** the president of

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

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

10 (cf: P.L.2017, c.178, s.38)

11
12 39. Section 1 of P.L.2009, c.308 (C.18A:3B-46) is amended to
13 read as follows:

14 1. As used in this act:

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

18 "Public research university" means Rutgers, The State University
19 of New Jersey, Rowan University, the New Jersey Institute of
20 Technology, **[and]** Montclair State University , and Kean
21 University;

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

25 (cf: P.L.2017, c.178, s.39)

26
27 ¹**[40.** Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended
28 to read as follows:

29 1. There is established a body corporate and politic, with
30 corporate succession, to be known as the New Jersey Association of
31 State Colleges and Universities. New Jersey City University,
32 **[Kean University,** Ramapo College of New Jersey, Richard
33 Stockton College of New Jersey, Thomas Edison State College, The
34 College of New Jersey and The William Paterson University of
35 New Jersey shall constitute the membership of the association.

36 (cf: P.L.2017, c.178, s.40)**]**¹

37
38 ¹**[41.** Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended
39 to read as follows:

40 2. The association shall consist of **[seven]** six voting members
41 to be appointed as follows: one member from each member
42 institution's boards of trustees, appointed by the members thereof.
43 In addition the presidents of the member institutions shall serve as
44 ex officio, nonvoting members.

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

47 (cf: P.L.2017, c.178, s.41)**]**¹

1 ¹**[42.] 40.**¹ Section 1 of P.L.2018, c.111 (C.18A:64-94) is
2 amended to read as follows:

3 1. The Legislature finds and declares that:

4 a. The people of New Jersey need accurate, relevant, timely,
5 and trustworthy news and information to be civically engaged,
6 make informed voting decisions, and work toward common
7 solutions in their communities.

8 b. News media operations in the State have endured major
9 cutbacks in recent years, resulting in less coverage of important
10 State matters. These cutbacks not only hurt the news media's
11 financial health, but also harm communities by reducing the news
12 and civic information to which residents have access.

13 c. This situation has resulted in the need to authorize the
14 establishment of, and to fund, the New Jersey Civic Information
15 Consortium (consortium), a consortium of **[five]** six State public
16 universities, to advance research and innovation in the field of
17 media and technology to better inform the State's communities to
18 benefit the State's civic life and evolving information needs.

19 d. By leveraging the resources, knowledge, and expertise of the
20 State's public universities through a partnership with The College of
21 New Jersey, Kean University, Montclair State University, the New
22 Jersey Institute of Technology, Rowan University, and Rutgers, The
23 State University, the consortium could bolster public-interest
24 journalism, civic information, and media innovation.

25 e. The consortium would provide grants that support news and
26 information that benefit the State's civic life and meet the evolving
27 information needs of New Jersey's underserved communities.

28 f. Investments from the consortium, supporting the State's
29 academia, media, innovation, and community service sectors, could
30 advance these goals while ensuring financial sustainability,
31 accountability, and lasting public faith in both the consortium and
32 the work it supports.

33 g. It is therefore necessary and in the public interest to
34 establish the consortium and provide a funding source for the
35 awarding of grants to organizations working to meet these goals.

36 (cf: P.L.2018, c.111, s.1)

37
38 ¹**[43.] 41.**¹ Section 2 of P.L.2018, c.111 (C.18A:64-95) is
39 amended to read as follows:

40 2. As used in P.L.2018, c.111 (C.18A:64-94 et seq.):

41 "Board of directors" or "board" means the board of directors of
42 the New Jersey Civic Information Consortium established pursuant
43 to section 3 of P.L.2018, c.111 (C.18A:64-96).

44 "Consortium" means the New Jersey Civic Information
45 Consortium established pursuant to section 3 of P.L.2018, c.111
46 (C.18A:64-96).

47 "In-kind contribution" means a contribution of goods or services,
48 other than a cash grant.

1 "Local community organization" means a locally-based
2 organization serving a community of people having shared interests
3 that is incorporated, organized, and operated in such a manner as to
4 qualify as a nonprofit corporation described in section 501(c)(3) of
5 the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3).

6 "Member university" means The College of New Jersey, Kean
7 University, Montclair State University, the New Jersey Institute of
8 Technology, Rowan University, and Rutgers, The State University.
9 (cf: P.L.2018, c.111, s.2)

10
11 ¹**[44.] 42.**¹ Section 3 of P.L.2018, c.111 (C.18A:64-96) is
12 amended to read as follows:

13 3. a. There is established the New Jersey Civic Information
14 Consortium which shall consist of the following member
15 universities: The College of New Jersey; Kean University,
16 Montclair State University; the New Jersey Institute of Technology;
17 Rowan University; and Rutgers, The State University. The purpose
18 of the consortium shall be to advance research and innovation in the
19 field of media and technology to benefit the State's civic life and
20 evolving information needs.

21 b. The consortium shall be established as a nonprofit
22 corporation that is an educational and charitable corporation validly
23 existing and in good standing under the "New Jersey Nonprofit
24 Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1 et seq.), is
25 incorporated, organized, and operated in such a manner as to
26 qualify as a nonprofit corporation described in section 501(c)(3) of
27 the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3), and
28 structured as a supporting organization to its member universities in
29 a manner that the Internal Revenue Service would deem the
30 consortium to be a public charity, and shall be subject to all
31 applicable State laws governing nonprofit corporations. The
32 consortium shall be accountable and subject to the same federal
33 Internal Revenue Code disclosure requirements of any nonprofit
34 organization pursuant to 26 U.S.C. s.6033, such as making public
35 its Internal Revenue Service Form 990 and filing a copy of that
36 form and a copy of its annual financial report and audited financial
37 reports with the Attorney General.
38 (cf: P.L.2018, c.111, s.3)

39
40 ¹**[45.] 43.**¹ Section 4 of P.L.2018, c.111 (C.18A:64-97) is
41 amended to read as follows:

42 4. a. The consortium shall have a board of directors that shall
43 set strategic priorities and metrics to guide the consortium's grant-
44 making and other initiatives, as well as to approve grants pursuant
45 to section 7 of P.L.2018, c.111 (C.18A:64-100).

46 b. The board of directors shall consist of **[15]** 16 members as
47 follows:

1 (1) two members appointed by the Governor who shall not be of
2 the same political party;

3 (2) one member appointed by the President of the Senate, and
4 one member appointed by the Minority Leader of the Senate;

5 (3) one member appointed by the Speaker of the General
6 Assembly, and one member appointed by the Minority Leader of
7 the General Assembly;

8 (4) **【five】** six members, no more than **【three】** four of whom
9 shall be of the same political party, appointed by the president of
10 each member university, each of whom shall have background or
11 experience in the field of journalism, media, or technology; and

12 (5) four members, no more than two of whom shall be of the
13 same political party, appointed by a majority vote of the **【eleven】**
14 12 board members appointed pursuant to paragraphs (1) through (4)
15 of this subsection, of which: (a) one member shall represent the
16 media sector; (b) one member shall represent the technology sector;
17 and (c) two members, not employed by the State or a member
18 university at the time of the member's appointment, shall have
19 demonstrated a record of commitment to public service and
20 understand the importance of media and technology to the State's
21 future.

22 c. Each board member shall serve a term of four years, except
23 that the member representing the New Jersey media sector shall
24 serve an initial term of one year and the member representing the
25 New Jersey technology sector shall serve an initial term of two
26 years. No board member shall serve more than two four-year terms.
27 In the appointment of members to the board, every effort shall be
28 made to strive for diversity and balance of representation according
29 to gender, race, ethnicity, and geography within any limits allowed
30 under law. Any vacancies in the appointed membership of the
31 board occurring other than by expiration of term shall be filled in
32 the same manner as the original appointment, but for the unexpired
33 term only. Board members shall serve without compensation but
34 may be reimbursed for necessary expenses incurred in the
35 performance of their duties within the limits of funds available to
36 the board.

37 (cf: P.L.2018, c.111, s.4)

38

39 ¹**【46.】** 44.¹ Section 2 of P.L.1985, c.103 (C.18A:64J-2) is
40 amended to read as follows:

41 2. For the purposes of this act:

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

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

6 c. "Commission" means the Governor's Commission on
7 Science and Technology as created by Executive Order No. 12 of
8 1982 or its successor which is established by the Legislature.

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

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

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

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

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

44 (cf: P.L.2017, c.178, s.44)

45
46 ¹**[47.] 45.**¹ Section 2 of P.L.1985, c.104 (C.18A:64J-9) is
47 amended to read as follows:

48 2. For the purposes of this act:

- 1 a. "Advanced technology center" means one or more
2 outstanding programs or departments at New Jersey's public and
3 private institutions of higher education, which are provided
4 substantial and concentrated financial support to promote their
5 development into national-level bases for innovative technology
6 research.
- 7 b. "Business incubation facilities" means low-cost, short-term
8 occupancy, rental spaces wherein assistance is granted to a targeted
9 network of new companies employing selected technologies
10 congruent with the strengths of the State's public and private
11 institutions of higher education.
- 12 c. "Commission" means the Governor's Commission on
13 Science and Technology as created by Executive Order No. 12 of
14 1982 or its successor which is established by the Legislature.
- 15 d. "Innovation partnership grants" means matching grants to
16 academic researchers performing applied research in emerging
17 technologies at any of the State's public and private institutions of
18 higher education, which are of strategic importance to the New
19 Jersey economy, under regulations adopted by the commission
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.).
- 22 e. "Private institutions of higher education" means independent
23 colleges or universities incorporated and located in New Jersey,
24 which by virtue of law or character or license are nonprofit
25 educational institutions authorized to grant academic degrees and
26 which provide a level of education which is equivalent to the
27 education provided by the State's public institutions of higher
28 education as attested by the receipt of and continuation of regional
29 accreditation by the Middle States Association of Colleges and
30 Schools, and which are eligible to receive State aid under the
31 provisions of the Constitution of the United States and the
32 Constitution of the State of New Jersey, but does not include any
33 educational institution dedicated primarily to the education or
34 training of ministers, priests, rabbis or other professional persons in
35 the field of religion.
- 36 f. "Public institutions of higher education" means Rutgers, The
37 State University, the State colleges, the New Jersey Institute of
38 Technology, Rowan University, Montclair State University, Kean
39 University, the county colleges and any other public university or
40 college now or hereafter established or authorized by law.
- 41 g. "Technology extension services" means programs that not
42 only accelerate the application and transfer of technological
43 innovations by the State's public and private universities to existing
44 industry, but also adapt these innovations to the requirements of
45 individual business operations.
46 (cf: P.L.2017, c.178, s.45)

1 ¹ **48.1** 46.1 Section 2 of P.L.1985, c.105 (C.18A:64J-16) is
2 amended to read as follows:

3 2. For the purposes of this act:

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

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

15 c. "Commission" means the Governor's Commission on
16 Science and Technology as created by Executive Order No. 12 of
17 1982 or its successor which is established by the Legislature.

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

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

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

44 g. "Technology extension services" means programs that not
45 only accelerate the application and transfer of technological
46 innovations by the State's public and private institutions of higher

1 education to existing industry, but also adapt these innovations to
2 the requirements of individual business operations.

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

4
5 **'[49.] 47.'**¹ Section 2 of P.L.1985, c.106 (C.18A:64J-23) is
6 amended to read as follows:

7 2. For the purposes of this act:

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

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

19 c. "Commission" means the Governor's Commission on
20 Science and Technology as created by Executive Order No. 12 of
21 1982 or its successor which is established by the Legislature.

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

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

43 f. "Public institutions of higher education" means Rutgers, The
44 State University, the State colleges, the New Jersey Institute of
45 Technology, Rowan University, Montclair State University, Kean
46 University, the county colleges and any other public university or
47 college now or hereafter established or authorized by law.

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

6 (cf: P.L.2017, c.178, s.47)

7
8 ¹~~50.~~ 48.¹ Section 2 of P.L.1985, c.366 (C.18A:64J-30) is
9 amended to read as follows:

10 2. For the purposes of this act:

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

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

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

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

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

45 f. "Public institutions of higher education" means Rutgers, The
46 State University, the State colleges, the New Jersey Institute of
47 Technology, Rowan University, Montclair State University, Kean

1 University, the county colleges and any other public university or
2 college now or hereafter established or authorized by law;

3 g. "Technology extension services" means programs that not
4 only accelerate the application and transfer of technological
5 innovations by the State's public and private institutions of higher
6 education to existing industry, but also adapt these innovations to
7 the requirements of individual business operations.
8 (cf: P.L.2017, c.178, s.48)
9

10 ¹~~51.1~~ 49.1 Section 2 of P.L.1985, c.397 (C.18A:64J-39) is
11 amended to read as follows:

12 2. For the purposes of this act:

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

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

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

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

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

47 f. "Public institutions of higher education" means Rutgers, The
48 State University, the State colleges, the New Jersey Institute of

1 Technology, Rowan University, Montclair State University, Kean
2 University, the county colleges and any other public university or
3 college now or hereafter established or authorized by law;

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

9 (cf: P.L.2017, c.178, s.49)

10
11 ¹**[52.] 50.**¹ Section 4 of P.L.2009, c.4 (C.18A:65A-1) is
12 amended to read as follows:

13 4. a. (1) The board of trustees of a public institution of higher
14 education may implement an energy savings improvement program
15 in the manner provided by this section whenever it determines that
16 the savings generated from reduced energy use from the program
17 will be sufficient to cover the cost of the program's energy
18 conservation measures as set forth in an energy savings plan. Under
19 such a program, a board of trustees may enter into an energy
20 savings services contract with an energy services company to
21 implement the program or the board may authorize separate
22 contracts to implement the program. The provisions of:
23 N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995,
24 c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey
25 Institute of Technology; N.J.S.18A:65-1 et seq., in the case of
26 Rutgers, the State University; P.L.2012, c.45 (C.18A:64M-1 et al.),
27 in the case of Rowan University; P.L.2017, c.178 (C.18A:64N-1 et
28 al.), in the case of Montclair State University; P.L. , c. (C.)
29 (pending before the Legislature as this bill), in the case of Kean
30 University; and N.J.S.18A:64A-1 et seq., in the case of the county
31 colleges; shall apply to any contracts awarded pursuant to this
32 section to the extent that the provisions of such law are not
33 inconsistent with any provision of this section.

34 In the case of Rutgers, the State University, references in this
35 section to the board of trustees shall mean the Rutgers board of
36 governors.

37 (2) An educational facility alteration required to properly
38 implement other energy efficiency or energy conservation
39 measures, or both, may be included as part of an energy savings
40 services contract, in which case, notwithstanding any other
41 provision of law, rule, regulation, or order to the contrary, the
42 facility alteration may be undertaken or supervised by the energy
43 services company performing the energy savings services contract
44 if:

45 (a) the total cost of the improvement does not exceed 15 percent
46 of the total cost of the work to be performed under the energy
47 savings services contract; and

1 (b) (i) the improvement is necessary to conform to a law, rule,
2 or regulation, or order, or (ii) an analysis within an approved
3 proposal, or the board of trustees, at the time of the award of the
4 proposal, demonstrates that there is an economic advantage to the
5 board of trustees implementing the improvement as part of the
6 energy savings services contract, and the savings rationale for the
7 improvement is documented and supported by reasonable
8 justification.

9 b. (1) To be eligible to enter into an energy savings services
10 contract, an energy services company shall be a commercial entity
11 that is qualified to provide energy savings services in accordance
12 with the provisions of this section. A public institution of higher
13 education may enter into an energy savings services contract
14 through public advertising for bids and the receipt of bids therefor.

15 (2) (a) Public works activities performed under an energy
16 savings improvement program shall be subject to all requirements
17 regarding public bidding, bid security, performance guarantees,
18 insurance and other public contracting requirements that are
19 applicable to public works contracts, to the extent not inconsistent
20 with this section. A general contractor, energy services company
21 serving as general contractor, or any subcontractor hired for the
22 furnishing of plumbing and gas fitting and all kindred work, and of
23 steam and hot water heating and ventilating apparatus, steam power
24 plants and kindred work, and electrical work, structural steel and
25 ornamental iron work, shall be classified by the Division of
26 Property Management and Construction in the Department of the
27 Treasury in order to perform public works activities under an
28 energy savings improvement program.

29 (b) Individuals or organizations performing energy audits,
30 acting as commissioning agents, or conducting verification of
31 energy savings plans, implementation of energy conservation
32 measures, or verifying guarantees shall be prequalified by the
33 Division of Property Management and Construction in the
34 Department of the Treasury to perform their work under an energy
35 savings improvement program.

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

42 (3) (a) An energy services company may be designated as the
43 general contractor for improvements to be made pursuant to an
44 energy savings plan, provided that the hiring of subcontractors that
45 are required to be classified pursuant to subparagraph (a) of
46 paragraph (2) of this subsection shall be performed in accordance
47 with the procedures and requirements set forth pursuant to the
48 public bidding requirements of the board of trustees. A contract

1 with an energy savings company shall include, but not be limited to:
2 preparation of an energy savings plan; the responsibilities of the
3 parties for project schedules, installations, performance and quality,
4 payment of subcontractors, project completion, commissioning,
5 savings implementation; a requirement that the savings to be
6 achieved by energy conservation measures be verified upon
7 commissioning of the improvements; allocation of State and federal
8 rebates and tax credits; and any other provisions deemed necessary
9 by the parties.

10 (b) All workers performing public works activities for
11 subcontractors awarded contracts by an energy services company
12 pursuant to this section shall be paid prevailing wages in
13 accordance with the "New Jersey Prevailing Wage Act," P.L.1963,
14 c.150 (C.34:11-56.25 et seq.). All subcontractors shall comply with
15 the provisions of "The Public Works Contractor Registration Act,"
16 P.L.1999, c.238 (C.34:11-56.48 et seq.). Only firms appropriately
17 classified as contractors by the Division of Property Management
18 and Construction shall be eligible to be awarded a contract as a
19 subcontractor of an energy services company under this section for
20 performing public works activities pursuant to regulations adopted
21 by the Division of Property Management and Construction.

22 (c) In order to expedite communications with an energy services
23 company and facilitate the implementation of an energy savings
24 improvement program, a board of trustees may designate or appoint
25 an employee of the public institution of higher education with
26 decision-making authority to coordinate with the energy services
27 company and to address issues associated with the implementation
28 of an energy savings improvement program as they arise, provided
29 that any decision requiring a change order shall be made only upon
30 the approval of the board of trustees of the public institution of
31 higher education.

32 (4) A subsidiary or wholly-owned or partially-owned affiliate of
33 the energy services company shall not be an eligible contractor or
34 subcontractor under an energy savings services contract.

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

38 (1) An energy savings improvement program may be financed
39 through a lease-purchase agreement between a board of trustees and
40 an energy services company or other public or private entity. Under
41 a lease-purchase agreement, ownership of the energy savings
42 equipment or improved facilities shall pass to the board of trustees
43 when all lease payments have been made. Notwithstanding the
44 provisions of any other law to the contrary, the duration of such a
45 lease-purchase agreement shall not exceed 15 years, except that the
46 duration of a lease purchase agreement for a combined heat and
47 power or cogeneration project shall not exceed 20 years. For the
48 purposes of this paragraph, the duration of the repayment term of a

1 lease-purchase agreement shall commence on the date upon which
2 construction and installation of the energy savings equipment,
3 "combined heat and power facility" or "cogeneration facility," as
4 those terms are defined pursuant to section 3 of P.L.1999, c.23
5 (C.48:3-51), or other energy conservation measures undertaken
6 pursuant to the energy savings plan, have been completed.

7 (2) Any lease-purchase or other agreement entered into in
8 connection with an energy savings improvement program may be a
9 general obligation of the public institution of higher education
10 pursuant to this subsection, and may contain: a clause making it
11 subject to the availability and appropriation annually of sufficient
12 funds as may be required to meet the extended obligation; and a
13 non-substitution clause maintaining that if the agreement is
14 terminated for non-appropriation, the board of trustees may not
15 replace the leased equipment or facilities with equipment or
16 facilities that perform the same or similar functions.

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

34 (4) Lease-purchase agreements and energy savings obligations
35 shall not be used to finance maintenance, guarantees, or verification
36 of guarantees of energy conservation measures. Lease-purchase
37 agreements and energy savings obligations may be used to finance
38 the cost of an energy audit or the cost of verification of energy
39 savings as part of adopting an energy savings plan. Maturity
40 schedules of lease-purchase agreements or energy savings
41 obligations shall not exceed the estimated average useful life of the
42 energy conservation measures.

43 d. (1) The energy audit component of an energy savings
44 improvement program shall be conducted either by the board of
45 trustees or by a qualified third party retained by the board for that
46 purpose. It shall not be conducted by an energy services company
47 subsequently hired to develop an energy savings improvement
48 program. The energy audit shall identify the current energy use of

1 any or all facilities and energy conservation measures that can be
2 implemented in which the energy savings and energy efficiency
3 could be realized and maximized.

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

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

8 (b) describe the energy conservation measures that will
9 comprise the program;

10 (c) estimate greenhouse gas reductions resulting from those
11 energy savings;

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

15 (e) include an assessment of risks involved in the successful
16 implementation of the plan;

17 (f) identify the eligibility for, and costs and revenues associated
18 with the PJM Independent System Operator for demand response
19 and curtailable service activities;

20 (g) include schedules showing calculations of all costs of
21 implementing the proposed energy conservation measures and the
22 projected energy savings;

23 (h) identify maintenance requirements necessary to ensure
24 continued energy savings, and describe how they will be fulfilled;
25 and

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

28 All professionals providing engineering services under the plan
29 shall have errors and omissions insurance.

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

34 (4) Upon adoption, the plan shall be submitted to the Board of
35 Public Utilities, which shall post it on the Internet on a public
36 webpage maintained for such purpose. If the board of trustees
37 maintains its own website, it shall also post the plan on that site.
38 The Board of Public Utilities may require periodic reporting
39 concerning the implementation of the plan.

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

44 (6) Energy-related capital improvements that do not reduce
45 energy usage may be included in an energy savings improvement
46 program but the cost of such improvements shall not be financed as
47 a lease-purchase or through energy savings obligations authorized
48 by subsection c. of this section. Nothing herein is intended to

1 prevent the financing of such capital improvements through
2 otherwise authorized means.

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

6 e. (1) (a) The calculation of energy savings for the purposes
7 of determining that the energy savings resulting from the program
8 will be sufficient to cover the cost of the program's energy
9 conservation measures, as provided in subsection a. of this section,
10 shall involve determination of the dollar amount saved through
11 implementation of an energy savings improvement program using
12 the guidelines of the International Performance Measurement and
13 Verification Protocol or other protocols approved by the Board of
14 Public Utilities and standards adopted by the Board of Public
15 Utilities pursuant to this section. The calculation shall include all
16 applicable State and federal rebates and tax credits, but shall not
17 include the cost of an energy audit and the cost of verifying energy
18 savings. The calculation shall state which party has made
19 application for rebates and credits and how these applications
20 translate into energy savings.

21 (b) During the procurement phase of an energy savings
22 improvement program, an energy services company's proposal
23 submitted in response to a request for proposal shall not include a
24 savings calculation that assumes, includes, or references capital cost
25 avoidance savings, the current or projected value of a "solar
26 renewable energy certificate," as defined pursuant to section 3 of
27 P.L.1999, c.23 (C.48:3-51), or other environmental or similar
28 attributes or benefits of whatever nature that derive from the
29 generation of renewable energy, and any costs or discounts
30 associated with maintenance services, an energy savings guarantee,
31 or third party verification of energy conservation measures and
32 energy savings. The calculation of energy savings shall utilize and
33 specifically reference as a benchmark the actual demand and energy
34 components of the public utility tariff rate applicable to the board of
35 trustees then in effect, and not a blended rate that aggregates,
36 combines, or restates in any manner the distinct demand and energy
37 components of the public utility tariff rate into a single combined or
38 restated tariff rate. If an energy services company submits a
39 proposal to a board of trustees that does not calculate projected
40 energy savings in the manner required by this subsection, such
41 proposal shall be rejected by the board of trustees.

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

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

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

17 (3) When an energy services company is awarded an energy
18 savings services contract to provide or perform goods or services
19 for the purpose of enabling a board of trustees to conserve energy
20 through energy efficiency equipment, including a "combined heat
21 and power facility" as that term is defined pursuant to section 3 of
22 P.L.1999, c.23 (C.48:3-51), on a self-funded basis, such contract
23 shall extend for a term of up to 15 years for energy efficiency
24 projects, and for up to 20 years for a combined heat and power
25 facility after construction completion. If a board of trustees shall
26 elect to contract with an energy services company for an energy
27 savings guarantee in connection with a contract awarded pursuant to
28 this section, such guarantee may extend for a term of up to 15 years
29 for energy efficiency projects, or up to 20 years for a combined heat
30 and power facility after construction completion.

31 g. As used in this section:

32 "direct digital control systems" means the devices and
33 computerized control equipment that contain software and computer
34 interfaces that perform the logic that control a building's heating,
35 ventilating, and air conditioning system. Direct digital controls
36 shall be open protocol format and shall meet the interoperability
37 guidelines established by the American Society of Heating,
38 Refrigerating and Air-Conditioning Engineers;

39 "educational facility" means a structure suitable for use as a
40 dormitory, dining hall, student union, administrative building,
41 academic building, library, laboratory, research facility, classroom,
42 athletic facility, health care facility, teaching hospital, and parking,
43 maintenance, storage or utility facility or energy conservation
44 measures and other structures or facilities related thereto or required
45 or useful for the instruction of students or the conducting of
46 research or the operation of an institution for higher education, and
47 public libraries, and the necessary and usual attendant and related

1 facilities and equipment, but shall not include any facility used or to
2 be used for sectarian instruction or as a place for religious worship;
3 "energy conservation measure" means an improvement that
4 results in reduced energy use, including, but not limited to,
5 installation of energy efficient equipment; demand response
6 equipment; combined heat and power systems; facilities for the
7 production of renewable energy; water conservation measures,
8 fixtures or facilities; building envelope improvements that are part
9 of an energy savings improvement program; and related control
10 systems for each of the foregoing;
11 "energy related capital improvement" means a capital
12 improvement that uses energy but does not result in a reduction of
13 energy use;
14 "energy saving obligation" means a bond, note or other
15 agreement evidencing the obligation to repay borrowed funds
16 incurred in order to finance energy saving improvements;
17 "energy savings" means a measured reduction in fuel, energy,
18 operating or maintenance costs resulting from the implementation
19 of one or more energy conservation measures services when
20 compared with an established baseline of previous fuel, energy,
21 operating or maintenance costs, including, but not limited to, future
22 capital replacement expenditures avoided as a result of equipment
23 installed or services performed as part of an energy savings plan;
24 "energy savings improvement program" means an initiative of a
25 public institution of higher education to implement energy
26 conservation measures in existing facilities, provided that the value
27 of the energy savings resulting from the program will be sufficient
28 to cover the cost of the program's energy conservation measures;
29 "energy savings plan" means the document that describes the
30 actions to be taken to implement the energy savings improvement
31 program;
32 "energy savings services contract" means a contract with an
33 energy savings company to develop an energy savings plan, prepare
34 bid specifications, manage the performance, provision,
35 construction, and installation of energy conservation measures by
36 subcontractors, to offer a guarantee of energy savings derived from
37 the implementation of an energy savings plan, and may include a
38 provision to manage the bidding process;
39 "energy services company" means a commercial entity that is
40 qualified to develop and implement an energy savings plan in
41 accordance with the provisions of this section;
42 "public works activities" means any work subject to the
43 provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.); and
44 "water conservation measure" means an alteration to a facility or
45 equipment that reduces water consumption, maximizes the
46 efficiency of water use, or reduces water loss.

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

4 (2) The State Treasurer and the Board of Public Utilities may
5 adopt implementation guidelines or directives, and adopt such
6 administrative rules, pursuant to the "Administrative Procedure
7 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the
8 implementation of those agencies' respective responsibilities under
9 this section, except that notwithstanding any provision of P.L.1968,
10 c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and
11 the Board of Public Utilities may adopt, immediately upon filing
12 with the Office of Administrative Law, such rules and regulations
13 as deemed necessary to implement the provisions of this act which
14 shall be effective for a period not to exceed 12 months and shall
15 thereafter be amended, adopted or re-adopted in accordance with
16 the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

17 (cf: P.L.2017, c.178, s.50)

18
19 ¹**[53.] 51.**¹ Section 3 of P.L.1969, c.242 (C.18A:66-169) is
20 amended to read as follows:

21 3. As used in this act:

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

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

39 c. "Base annual salary" means the base salary upon which
40 contributions by the member and his employer to the alternate
41 benefit program were based during the last year of creditable
42 service.

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

44 e. (Deleted by amendment, P.L.2012, c.45)

45 f. "County colleges" means the colleges so defined in
46 N.J.S.18A:64A-1.

47 g. "Division of Pensions" means the division established in the
48 Department of the Treasury pursuant to section 1 of P.L.1955, c.70

1 (C.52:18A-95) and is the agency responsible for the administration
2 of the alternate benefit program of the State and county colleges
3 and for the administration of the group life and disability insurances
4 of all alternate benefit programs established in the State for public
5 employees.

6 h. "Full-time officers" and "full-time members of the faculty"
7 shall include the president, vice president, secretary and treasurer of
8 the respective school. "Full-time" shall also include eligible full-
9 time officers and full-time members of the faculty who are granted
10 sabbaticals or leaves of absence with pay where the compensation
11 paid is 50% or more of the base salary at the time the leave
12 commences and the period of eligibility terminates with the end of
13 the school year following the year in which the sabbatical began.
14 "Part-time" shall be defined as an appointment where the employee
15 receives a salary or wages for a period of less than 50% of the
16 normal work week. These definitions shall apply to teaching or
17 administrative staff members or to employees serving in a dual
18 capacity where the appointment includes teaching as well as
19 administrative duties.

20 i. "Group Annuity Plan" refers to the Group Annuity Contract
21 R-134 between the Board of Trustees of the New Jersey Institute of
22 Technology and the Prudential Insurance Company of America.

23 j. "Member" or "participant" means a full-time officer or a
24 full-time member of the faculty participating in the alternate benefit
25 program, and after the effective date of P.L.2008, c.89, means an
26 adjunct faculty member or a part-time instructor whose employment
27 agreement begins after that effective date.

28 k. "New Jersey Institute of Technology" means the Newark
29 College of Engineering.

30 l. "Pension reserve" means those moneys as defined in
31 N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

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

35 n. "State Colleges" means the colleges so described in chapter
36 64 of Title 18A of the New Jersey Statutes and any former State
37 college designated as a public research university pursuant to
38 P.L.2012, c.45 (C.18A:64M-1 et al.) **【and】** , P.L.2017, c.178
39 (C.18A:64N-1 et al.) , and P.L. , c. (C.) (pending before
40 the Legislature as this bill).

41 o. "Mutual fund company" means an investment company or
42 trust regulated by the federal "Investment Company Act of 1940,"
43 15 U.S.C.s. 80a-1 et seq.
44 (cf: P.L.2017, c.178, s.51)

45
46 ¹**【54.】 52.**¹ Section 4 of P.L.1969, c.242 (C.18A:66-170) is
47 amended to read as follows:

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

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

36 Any person required to participate in the alternate benefit
37 program by reason of employment, who at the time of such
38 employment is a member of the Teachers' Pension and Annuity
39 Fund, shall be permitted to transfer his membership in said fund to
40 the Public Employees' Retirement System, by waiving all rights and
41 benefits which would otherwise be provided by the alternate benefit
42 program. Any such new employee who is a member of the Public
43 Employees' Retirement System will be permitted to continue his
44 membership in that system, by waiving all rights and benefits which
45 would otherwise be provided by the alternate benefit program. Such
46 waivers shall be accomplished by filing forms satisfactory to the
47 Division of Pensions within 30 days of the beginning date of
48 employment.

1 Any person receiving a benefit by reason of his retirement from
2 any retirement or pension system of the State of New Jersey or any
3 political subdivision thereof shall be ineligible to participate in the
4 alternate benefit program.

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

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

11 (cf: P.L.2017, c.178. s.52)

12
13 ¹~~55.1~~ 53.1 Section 7 of P.L.1969, c.242 (C.18A:66-173) is
14 amended to read as follows:

15 7. (a) When a member of the Teachers' Pension and Annuity
16 Fund or the Public Employees' Retirement System or the Police and
17 Firemen's Retirement System elects to transfer to an alternate
18 benefit program by filing the proper application form declaring his
19 election to participate in such alternate benefit program, the
20 respective retirement system shall transfer the amount of his
21 accumulated deductions as of the date of transfer to his individual
22 account in the program.

23 (b) There shall also be transferred from the contingent reserve
24 fund or the pension fund of the Teachers' Pension and Annuity Fund
25 or the Public Employees' Retirement System or the Police and
26 Firemen's Retirement System or from the Group Annuity Plan to the
27 individual's account in the alternate benefit program, the pension
28 reserve required as of the date of his transfer to provide a pension
29 for each year of service credited to the account of the member as set
30 forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in
31 section 38 or section 48 of P.L.1954, c.84 as such sections have
32 been amended and supplemented as of July 1, 1969 (C.43:15A-38,
33 C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241
34 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or
35 for each year of service credited under the Group Annuity Plan.
36 Such transfer from the contingent reserve fund or the pension fund
37 of the Teachers' Pension and Annuity Fund or the Public
38 Employees' Retirement System or the Police and Firemen's
39 Retirement System or the Group Annuity Plan shall be made at the
40 time of the member's transfer to the alternate benefit program in the
41 case of any such member who has then met the eligibility
42 requirements for a pension under the aforementioned N.J.S.18A:66-
43 36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954,
44 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241
45 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or
46 the Group Annuity Plan. In the case of any member who elects to
47 participate in the alternate benefit program who has not then met
48 the eligibility requirements for a pension under N.J.S.18A:66-36 or

1 N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954,
2 c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241
3 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or
4 under the Group Annuity Plan, the transfer from the contingent
5 reserve fund or the pension fund of the Teachers' Pension and
6 Annuity Fund or the Public Employees' Retirement System or the
7 Police and Firemen's Retirement System or the Group Annuity Plan
8 shall be effected at the time such requirements have been met,
9 taking into account for the purpose of such eligibility requirement
10 his years of membership service at the time of his election and his
11 subsequent years of service as a full-time member of the faculty of
12 Rutgers, The State University, the New Jersey Institute of
13 Technology, Rowan University, Montclair State University, Kean
14 University, or the State or county colleges or as an eligible
15 employee of the Department of Higher Education, or at the time he
16 shall have 10 years of credit for New Jersey service and becomes
17 physically incapacitated for the performance of duty if he had been
18 a member of the Teachers' Pension and Annuity Fund or the Public
19 Employees' Retirement System or the Police and Firemen's
20 Retirement System as of the date of transfer.

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

35 In the event that the eligibility requirement under N.J.S.18A:66-
36 36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section
37 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity
38 Plan is changed at some future date to permit members to become
39 eligible for such benefit prior to the completion of 15 years of
40 service, the transfer of the reserve from the contingent reserve fund
41 or the pension fund of the Teachers' Pension and Annuity Fund or
42 the Public Employees' Retirement System or the Police and
43 Firemen's Retirement System or from the Group Annuity Plan shall
44 be effective as of the date the member who had elected the alternate
45 benefit program meets the amended eligibility requirement or the
46 effective date of the amendment, whichever is later.

47 In the event an option is available with respect to the distribution
48 of employee and employer contributions between fixed and variable

1 annuities under the alternate benefit program, the employee shall
2 have the right to determine the percentage distribution of these
3 funds subject to any limitations imposed by the designated insurer
4 or insurers.

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

9 (cf: P.L.2017, c.178, s.53)

10

11 ¹~~56.~~ 54.¹ Section 8 of P.L.1969, c.242 (C.18A:66-174) is
12 amended to read as follows:

13 8. (a) Rutgers, The State University and the New Jersey
14 Institute of Technology shall reduce the compensation of each
15 participant in the alternate benefit program and pay over to the
16 insurers or mutual fund companies for the benefit of the participant
17 an employee contribution for the retirement annuity contract or
18 contracts equal to 5% of the participant's base salary. The intervals
19 for deductions or reductions and payments shall be determined by
20 the respective school governing bodies.

21 The Division of Pensions and Benefits shall provide for
22 reductions from the compensation of each participant in the
23 alternate benefit program employed by the State and county
24 colleges of an employee contribution equal to 5% of the
25 participant's base salary and pay this amount to the insurers or
26 mutual fund companies for the individual's retirement annuity
27 contract or contracts. The intervals for deductions or reductions and
28 payments shall be determined by the Division of Pensions and
29 Benefits.

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

33 (b) Based on a certification to the Division of Pensions and
34 Benefits by Rutgers, The State University, the New Jersey Institute
35 of Technology, Rowan University, **and** Montclair State
36 University, and Kean University of the number and base salary of
37 participants, the division shall authorize the State to make payment
38 of the employer contributions to the alternate benefit program at a
39 rate equal to 8% of the employee's base salary, except the amount of
40 the contribution shall not exceed 8% of the maximum salary for
41 department officers established pursuant to section 1 of P.L.1974,
42 c.55 (C.52:14-15.107), which moneys shall be paid to the
43 designated insurers or mutual fund companies for the benefit of
44 each participant.

45 Based on a certification by the Division of Pensions and Benefits
46 of the number and base salary of participants employed by the State
47 and county colleges, the State shall make payment of the employer
48 contributions to the alternate benefit program at a rate equal to 8%

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

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

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

27 (cf: P.L.2017, c.178, s.54)

28
29 ¹**[57.] 55.**¹ Section 24 of P.L.1969, c.242 (C.18A:66-190) is
30 amended to read as follows:

31 24. The Board of Governors of Rutgers, The State University,
32 the Board of Trustees of the New Jersey Institute of Technology,
33 the Board of Trustees of Rowan University, the Board of Trustees
34 of Montclair State University, the Board of Trustees of Kean
35 University, and the boards of trustees of State and county colleges,
36 are hereby authorized to enter into an agreement with each
37 employee participating in the alternate benefit program whereby the
38 employee agrees to take a reduction in salary with respect to
39 amounts earned after the effective date of such agreement in return
40 for the agreement of the respective institution to use a
41 corresponding amount to purchase an annuity for such employee so
42 as to obtain the benefits afforded under section 403(b) of the federal
43 Internal Revenue Code, as amended. Any such agreement shall
44 specify the amount of such reduction, the effective date thereof, and
45 shall be legally binding and irrevocable with respect to amounts
46 earned while the agreement is in effect; provided, however, that
47 such agreement may be terminated after it has been in effect for a
48 period of not less than one year upon notice in writing by either

1 party, and provided further that not more than one such agreement
2 shall be entered into during any taxable year of the employee. For
3 the purposes of this section, any annuity or other contract which
4 meets the requirements of section 403(b) of the federal Internal
5 Revenue Code, as amended, may be utilized. The amount of the
6 reduction in salary under any agreement entered into between the
7 institutions and any employee pursuant to this section shall not
8 exceed the limitations set forth in P.L.93-406 (Employment
9 Retirement Income Security Act of 1974) and Section 415(c) of the
10 Internal Revenue Code of 1954 as amended for such year.

11 Amounts payable pursuant to this section by an institution on
12 behalf of an employee for a pay period shall be transmitted and
13 credited not later than the fifth business day after the date on which
14 the employee is paid for that pay period.
15 (cf: P.L.2017, c.178, s.55)

16

17 **¹[58.] 56.¹** Section 25 of P.L.1969, c.242 (C.18A:66-191) is
18 amended to read as follows:

19 25. No retirement, death or other benefit shall be payable by the
20 State, Rutgers, The State University, the New Jersey Institute of
21 Technology, Rowan University, Montclair State University, Kean
22 University, or the Division of Pensions under the alternate benefit
23 program. Benefits shall be payable to participating employees and
24 their beneficiaries only by the designated insurers or mutual fund
25 companies under the terms of the contracts.

26 (cf: P.L.2017, c.178, s.56)

27

28 **¹[59.] 57.¹** Section 3 of P.L.1968, c.142 (C.18A:71-30) is
29 amended to read as follows:

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

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

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

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

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

40 (e) The term "higher education" shall mean that education
41 which is provided by any or all of the public institutions of higher
42 education as herein defined or any or all equivalent private
43 institutions.

44 (f) The term "public institutions of higher education" shall mean
45 and include Rutgers, The State University, the New Jersey Institute
46 of Technology, Rowan University, Montclair State University,
47 Kean University, the **[seven]** six State colleges, the county

1 colleges, and any other public universities, colleges or county
2 colleges now or hereafter established or authorized by law.

3 (cf: P.L.2017, c.178, s.57)

4
5 ¹**‘[60.] 58.’** N.J.S.18A:71A-4 is amended to read as follows:

6 18A:71A-4. a. The Board of the Higher Education Student
7 Assistance Authority shall consist of 18 members as follows: the
8 State Treasurer, ex-officio, or a designee; the Secretary of Higher
9 Education, ex-officio, or a designee from among the public
10 members of the commission; the chairperson of the Board of
11 Directors of the Educational Opportunity Fund, ex-officio, or a
12 designee from among the public members of the board; five
13 representatives from eligible institutions in this State, including one
14 from Rutgers, the State University, one from either the New Jersey
15 Institute of Technology, Rowan University, **‘or’** Montclair State
16 University, or Kean University, one from the county colleges, one
17 from the State colleges, and one from the independent institutions
18 of higher education in the State; two students from different
19 collegiate institutional sectors; seven public members who shall be
20 residents of this State, including one who shall represent a lender
21 party to a participation agreement with the authority; and the
22 executive director of the authority, or designee, who shall be an ex-
23 officio, non-voting member of the board.

24 b. The seven public members, including the lender member,
25 shall be appointed by the Governor with the advice and consent of
26 the Senate. No more than four of the public members shall be
27 members of the same political party. The institutional
28 representatives shall be nominated by the respective institution in
29 the case of Rutgers, the State University, New Jersey Institute of
30 Technology, Rowan University, **‘and’** Montclair State University ,
31 and Kean University. The remaining institutional representatives
32 shall be nominated by the respective sector association. Institutional
33 representatives shall be appointed by the Governor with the advice
34 and consent of the Senate. The student members shall be the
35 individuals that the Student Advisory Committee elects as its
36 chairperson and vice-chairperson. The Student Advisory
37 Committee shall be created by the board to include students from all
38 collegiate institutional sectors. The necessary appointments shall
39 be made within 45 days of the enactment of P.L.1999, c.46
40 (N.J.S.18A:71A-1 et al.).

41 c. Public and institutional members of the board shall serve a
42 term of four years and until a successor is appointed and qualified,
43 except in the case of the first members so appointed, four of whom
44 shall be appointed for a term of four years, four of whom shall be
45 appointed for a term of three years, two of whom shall be appointed
46 for a term of two years, and two of whom shall be appointed for a
47 term of one year. Student members shall serve a term of office not
48 to exceed two years. Any vacancy in the membership of the board,

1 occurring otherwise than by expiration of term, shall be filled in the
2 same manner as the original appointment or election was made, but
3 for the unexpired term only.

4 (cf: P.L.2017, c.178, s.58)

5
6 ¹**[61.] 59.**¹ Section 3 of P.L.2000, c.163 (C.18A:71B-55) is
7 amended to read as follows:

8 3. As used in this act, the following terms shall have the
9 following meanings:

10 "Board" means the Board of Trustees of the Tony Pompelio
11 Commemorative Scholarship Fund for the children of crime victims
12 created pursuant to this act.

13 "Chairman" means the Chairman of the Violent Crimes
14 Compensation Board.

15 "Executive director" means the chief executive and
16 administrative officer of the authority.

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

23 "Public Institutions of Higher Education" means the State
24 colleges and universities created pursuant to chapter 64 of Title 18A
25 of the New Jersey Statutes; the county colleges; the New Jersey
26 Institute of Technology; Rutgers, the State University; Rowan
27 University; Montclair State University; Kean University; and any
28 other public universities, colleges, county colleges and junior
29 colleges now or hereafter established or authorized by law.

30 (cf: P.L.2017, c.178, s.59)

31
32 ¹**[62.] 60.**¹ Section 1 of P.L.2019, c.431 (C.18A:71B-104) is
33 amended to read as follows:

34 1. As used in this act:

35 "Partner high school" means a high school that has been selected
36 for participation in the New Jersey "Accessing Careers in
37 Engineering and Science (ACES) Program" pursuant to subsection
38 a. of section 3 of this act.

39 "Public or independent research university" means Rutgers, The
40 State University of New Jersey, Rowan University, the New Jersey
41 Institute of Technology, Montclair State University, Kean
42 University, Stevens Institute of Technology, Princeton University,
43 and Seton Hall University.

44 "Underrepresented student" means a student who is a member of
45 an underserved community or a member of a group that is
46 underrepresented in the STEM fields.

47 (cf: P.L.2019, c.431, s.1)

1 ¹**【63.】 61.**¹ Section 2 of P.L.2019, c.431 (C.18A:71B-105) is
2 amended to read as follows:

3 2. a. The Secretary of Higher Education shall establish the
4 New Jersey "Accessing Careers in Engineering and Science (ACES)
5 Program." The purposes of the program are to increase the
6 participation of underrepresented students in the science,
7 technology, engineering, and mathematics (STEM) fields; and to
8 develop a larger and more diverse STEM workforce in the State.
9 The ACES Program shall consist of two components: (1) a
10 residential pre-college summer program for selected high school
11 students established pursuant to section 3 of this act; and (2) an
12 undergraduate ACES Scholar program established pursuant to
13 section 4 of this act.

14 b. The secretary shall select up to **【seven】 eight** public or
15 independent research universities in New Jersey to implement the
16 ACES Program, based upon the university's interest in participating
17 in the program and subject to the availability of funds. A public or
18 independent research university that wants to participate shall
19 submit an application to the secretary, which includes a proposal for
20 implementing both the pre-college summer program and the
21 undergraduate ACES Scholar program in accordance with sections
22 3 and 4 of this act. The university's proposal shall also include the
23 university's plans for funding its share of the program costs and for
24 obtaining the necessary private sector funding pursuant to section 5
25 of this act.

26 (cf: P.L.2019, c.431, s.2)

27

28 ¹**【64.】 62.**¹ N.J.S.18A:72A-3 is amended to read as follows:

29 18A:72A-3. As used in this act, the following words and terms
30 shall have the following meanings, unless the context indicates or
31 requires another or different meaning or intent:

32 "Authority" means the New Jersey Educational Facilities
33 Authority created by this chapter or any board, body, commission,
34 department or officer succeeding to the principal functions thereof
35 or to whom the powers conferred upon the authority by this chapter
36 shall be given by law;

37 "Bond" means bonds or notes of the authority issued pursuant to
38 this chapter;

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

44 "Dormitory" means a housing unit with necessary and usual
45 attendant and related facilities and equipment, and shall include a
46 dormitory of a public or private school, or of a public or private
47 institution of higher education;

1 "Educational facility" means a structure suitable for use as a
2 dormitory, dining hall, student union, administration building,
3 academic building, library, laboratory, research facility, classroom,
4 athletic facility, health care facility, teaching hospital, and parking
5 maintenance storage or utility facility and other structures or
6 facilities related thereto or required or useful for the instruction of
7 students or the conducting of research or the operation of an
8 institution for higher education, and public libraries, and the
9 necessary and usual attendant and related facilities and equipment,
10 but shall not include any facility used or to be used for sectarian
11 instruction or as a place for religious worship;

12 "Emerging needs program" means a program at one or more
13 public or private institutions of higher education directed to meeting
14 new and advanced technology needs or to supporting new academic
15 programs in science and technology;

16 "Higher education equipment" means any property consisting of,
17 or relating to, scientific, engineering, technical, computer,
18 communications or instructional equipment;

19 "Participating college" means a public institution of higher
20 education or private college which, pursuant to the provisions of
21 this chapter, participates with the authority in undertaking the
22 financing and construction or acquisition of a project;

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

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

29 "Private institution of higher education" means independent
30 colleges or universities incorporated and located in New Jersey,
31 which by virtue of law or character or license, are nonprofit
32 educational institutions authorized to grant academic degrees and
33 which provide a level of education which is equivalent to the
34 education provided by the State's public institutions of higher
35 education as attested by the receipt of and continuation of regional
36 accreditation by the Middle States Association of Colleges and
37 Schools, and which are eligible to receive State aid;

38 "Public institution of higher education" means Rutgers, The State
39 University, the State colleges, the New Jersey Institute of
40 Technology, Rowan University, Montclair State University, Kean
41 University, the county colleges and any other public university or
42 college now or hereafter established or authorized by law;

43 "School" means a secondary school, military school, or boarding
44 school;

45 "University" means Rutgers, The State University.
46 (cf: P.L.2017, c.178, s.60)

1 ¹**【65.】 63.**¹ N.J.S.18A:72A-26 is amended to read as follows:

2 18A:72A-26. In order to provide new dormitories and to enable
3 the construction and financing thereof, to refinance indebtedness
4 hereafter created by the authority for the purpose of providing a
5 dormitory or dormitories or additions or improvements thereto, or
6 for any one or more of said purposes, but for no other purpose
7 unless authorized by law, each of the following bodies shall have
8 the powers hereafter enumerated to be exercised upon such terms
9 and conditions, including the fixing of any consideration or rental to
10 be paid or received, as it shall determine by resolution as to such
11 property and each shall be subject to the performance of the duties
12 hereafter enumerated, that is to say, the treasurer as to such as are
13 located on land owned by the State or by the authority, the board of
14 governors of the university, the board of trustees of the New Jersey
15 Institute of Technology, Rowan University, **【or】** Montclair State
16 University, or Kean University, the board of trustees of a State
17 college or the board of trustees of a county college as to such as are
18 located on land owned by the university or by the particular college
19 respectively, namely:

20 a. The power to sell and to convey to the authority title in fee
21 simple in any such land and any existing dormitories thereon owned
22 by the State or owned by the board of trustees of a county college or
23 the power to sell and to convey to the authority such title as the
24 university or the college respectively may have in any such land and
25 any existing dormitories thereon.

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

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

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

43 (cf: P.L.2017, c.178, s.61)
44

45 ¹**【66.】 64.**¹ N.J.S.18A:72A-27.1 is amended to read as follows:

46 18A:72A-27.1. In addition to the powers and duties with respect
47 to dormitories given under N.J.S.18A:72A-26 and **【18A:72A-27】**
48 N.J.S.18A:72A-27 the treasurer, the board of governors of the

1 university, the board of trustees of the New Jersey Institute of
2 Technology, the board of trustees of a State college, the board of
3 trustees of Rowan University, the board of trustees of Montclair
4 State University, the board of trustees of Kean University, and the
5 board of trustees of a county college shall also have the same power
6 and be subject to the same duties in relation to any conveyance,
7 lease or sublease made under subsection a., b., or c. of [section
8 18A:72A-26] N.J.S.18A:72A-26, with respect to revenue producing
9 facilities; that is to say, structures or facilities which produce
10 revenues sufficient to pay the rentals due and to become due under
11 any lease or sublease made under subsection c. of [section
12 18A:72A-26] N.J.S.18A:72A-26 including, without limitation,
13 student unions and parking facilities.
14 (cf: P.L.2017, c.178, s.62)
15

16 ¹[67.] 65.¹ Section 48 of P.L.2009, c.90 (C.18A:72A-82) is
17 amended to read as follows:

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

20 "Board" means the Local Finance Board established in the
21 Division of Local Government Services in the Department of
22 Community Affairs.

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

28 "Higher education partnership agreement" means an agreement
29 between a municipality and an institution of higher education
30 providing for the issuance of bonds by the municipality, a county
31 improvement authority or a redevelopment entity, and the pledge of
32 payments by the institution of higher education to secure those
33 bonds to finance a higher education project, or part thereof.

34 "Higher education project" means the establishment and
35 construction of higher education buildings and the expansion and
36 construction of additional facilities at, and the acquisition of
37 additional and upgraded equipment for existing higher education
38 buildings, including but not limited to the planning, erecting,
39 purchasing, improving, developing, constructing, reconstructing,
40 extending, rehabilitating, renovating, upgrading, demolishing and
41 equipping of facilities at institutions of higher education.

42 "Institution of higher education" means: Rutgers, The State
43 University; a State college or university established pursuant to
44 chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey
45 Institute of Technology; Rowan University; Montclair State
46 University; Kean University; a county college and any other public
47 university or college now or hereafter established or authorized by

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

14 "Municipality" means the municipal governing body or an entity
15 acting on behalf of the municipality if permitted by the federal
16 Internal Revenue Code of 1986, or, if a redevelopment agency or
17 redevelopment entity is established in the municipality pursuant to
18 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so
19 provides, the redevelopment agency or entity so established.
20 (cf: P.L.2017, c.178, s.63)

21

22 ¹**[68.] 66.**¹ Section 3 of P.L.1985, c.493 (C.18A:72H-3) is
23 amended to read as follows:

24 3. As used in this act:

25 a. "Auditory impairment" means an inability to hear within
26 normal limits due to a physical impairment or dysfunction of
27 auditory mechanisms characterized by: (i) deafness, (ii) hearing
28 impairment, (iii) hardness of hearing, or (iv) deaf-blindness. "Deaf"
29 means an auditory impairment is so severe that the individual does
30 not process linguistic information through hearing, with or without
31 amplification, and the student's educational performance is
32 adversely affected. "Hearing impairment" means an impairment in
33 hearing, whether permanent or fluctuating, which adversely affects
34 the individual's educational performance. "Deaf-blind" means
35 concomitant hearing and visual disabilities, the combination of
36 which causes such severe communication and other developmental
37 and educational needs that the child cannot be accommodated in
38 special education programs solely for children with deafness or
39 children with blindness.

40 b. "Competent authority" means any doctor of medicine or any
41 doctor of osteopathy licensed to practice medicine and surgery in
42 this State.

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

44 d. "Eligible student" means any student admitted to a public or
45 independent institution of higher education who has a visual
46 impairment, auditory impairment or specific learning disability
47 within guidelines established by the Commission on Higher

1 Education pursuant to regulations promulgated under P.L.1985,
2 c.493 (C.18A:72H-1 et seq.).

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

16 f. "Learning disability" means a significant barrier to learning
17 caused by a disorder in one or more of the basic psychological
18 processes involved in understanding or in using language, spoken or
19 written, which disorder may manifest itself as a disability that
20 affects the ability to listen, think, speak, read, write, spell, or do
21 mathematical calculations. The disorder includes conditions such as
22 perceptual disability, brain injury, attention deficit hyperactivity
23 disorder, dyslexia, and developmental aphasia. This term shall not
24 include learning problems which are primarily the result of visual,
25 hearing, or motor disabilities, intellectual disabilities, emotional
26 disturbances, or environmental, cultural, or economic disadvantage.

27 g. "Program" means the Higher Education Services Program
28 for Students with Visual Impairments, Auditory Impairments, and
29 Learning Disabilities established pursuant to this act.

30 h. "Public institution of higher education" means Rutgers, The
31 State University, the New Jersey Institute of Technology, Rowan
32 University, Montclair State University, Kean University, the State
33 colleges and the county colleges.

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

37 j. "Visual impairment" means when an individual's better eye
38 with correction does not exceed 20/200 or where there is a field
39 defect in the better eye in which the diameter of the field is no
40 greater than 20 degrees.

41 (cf: P.L.2017, c.178, s.64)

42

43 ¹**[69.] 67.**¹ Section 2 of P.L.2005, c.379 (C.34:11-56.59) is
44 amended to read as follows:

45 2. As used in this act:

46 "Commissioner" means the Commissioner of Labor and
47 Workforce Development or the commissioner's duly authorized
48 representatives.

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

10 "Leased by the State" means that not less than 55% of the
11 property or premises is leased by the State, provided that the portion
12 of the property or premises that is leased by the State measures
13 more than 20,000 square feet.

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

20 "The State" means the State of New Jersey and all of its
21 departments, bureaus, boards, commissions, agencies and
22 instrumentalities, including any State institutions of higher
23 education, but does not include political subdivisions.

24 "State institutions of higher education," means Rutgers, The
25 State University of New Jersey, Rowan University, the New Jersey
26 Institute of Technology, **[and]** Montclair State University, and
27 Kean University, and any of the State colleges or universities
28 established pursuant to chapter 64 of Title 18A of the New Jersey
29 Statutes, but does not include any county college established
30 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.
31 (cf: P.L.2017, c.178, s.65)

32

33 ¹**[70.]** 68. Section 12 of P.L.1978, c.39 (C.52:18A-174) is
34 amended to read as follows:

35 12. Subject to the independent approval of the State Treasurer,
36 the board may authorize the transfer of funds necessary to permit
37 individuals employed at the New Jersey Institute of Technology,
38 Rutgers, The State University, Rowan University, Montclair State
39 University, Kean University, and any other agency, authority,
40 commission, or instrumentality of State government which has an
41 independent corporate existence, to participate in the plan.

42 (cf: P.L.2017, c.178, s.66)

43

44 ¹**[71.]** 69.¹ Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is
45 amended to read as follows:

46 1. The Director of the Division of Purchase and Property may,
47 by joint action, purchase any articles used or needed by the State
48 and the Palisades Interstate Park Commission, the New Jersey

1 Highway Authority, the New Jersey Turnpike Authority, the
2 Delaware River Joint Toll Bridge Commission, the Port Authority
3 of New York and New Jersey, the South Jersey Port Corporation,
4 the Passaic Valley Sewerage Commission, the Delaware River Port
5 Authority, Rutgers, The State University, Rowan University,
6 Montclair State University, Kean University, the New Jersey Sports
7 and Exposition Authority, the New Jersey Housing Finance
8 Agency, the New Jersey Mortgage Finance Authority, the New
9 Jersey Health Care Facilities Financing Authority, the New Jersey
10 Education Facilities Authority, the New Jersey Economic
11 Development Authority, the South Jersey Transportation Authority,
12 the Hackensack Meadowlands Development Commission, the New
13 Jersey Water Supply Authority, the Higher Education Student
14 Assistance Authority or any other agency, commission, board,
15 authority or other such governmental entity which is established and
16 is allocated to a State department or any bi-state governmental
17 entity of which the State of New Jersey is a member.
18 (cf: P.L.2017, c.178, s.67)

19

20 ¹**[72.]** 70.¹ This act shall take effect immediately.