

[First Reprint]

**ASSEMBLY, No. 1385**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman WILLIAM F. MOEN**  
**District 5 (Camden and Gloucester)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Higher Education Committee on June 2, 2021, with amendments.



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

5

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

8

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

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

22 c. The **‘institution, in consultation with the’**<sup>1</sup> secretary<sup>1,1</sup> shall:

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

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

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

42 (4) certify completion of the training for each governing board  
43 member upon receipt of documentation thereof, as provided on a

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup>Assembly AHI committee amendments adopted June 2, 2021.**

1 form and in a manner prescribed by the secretary, or otherwise  
2 arrange for certification by the training entity; and

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

5

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

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

15

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

20

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