

SENATE, No. 970

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

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District 31 (Hudson)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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:*

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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 the Secretary of Higher Education that is designed
13 to clarify the roles and duties of a governing board member.

14 b. The training shall be completed no later than six months
15 after the date that the person is appointed as a member of the
16 governing board of a public institution of higher education; except
17 that a person who serves as a member of a governing board prior to
18 the effective date of this act shall complete the training no later than
19 six months after the effective date.

20 c. The secretary shall:

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

31 (2) provide the training directly or arrange for, or specify, the
32 entity or entities to provide the training. In the case of a county
33 college, the secretary shall designate the New Jersey Council of
34 County Colleges to provide the training;

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

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

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

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.

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

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

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

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

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22 STATEMENT

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24 This bill requires a member of a governing board of a public
25 institution of higher education to complete a training program
26 developed or approved by the Secretary of Higher Education.
27 Under the bill, the secretary would prescribe the subject matter of
28 the training, which will include, but need not be limited to,
29 information concerning governance responsibilities, ethical
30 standards, due diligence, the requirements of the “Senator Byron M.
31 Baer Open Public Meetings Act,” and the open public records law,
32 issues associated with laws on privacy, board member fiduciary
33 responsibilities, and the types of financial, organizational, legal, and
34 regulatory issues associated with discharging the duties of a
35 governing board member.

Under the bill, the secretary could provide the training directly or arrange for, or specify, the entity or entities to provide the training, and certify completion of the training for each governing board member. In the case of a county college, the bill provides that the secretary will designate the New Jersey Council of County Colleges to provide the training.

The bill provides that the training must be completed no later than six months after the date that the person is appointed as a member of the governing board. A person who is serving as a member of a governing board prior to the bill's effective date must complete the training no later than six months after the effective date.