

**SENATE, No. 1271**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 10, 2020

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**SYNOPSIS**

Requires governing board of public institution of higher education to gain approval of Secretary of Higher Education prior to establishing branch campus or additional location.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/25/2020)**

1 AN ACT concerning public institutions of higher education and  
2 amending P.L.2009, c.308.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 20 of P.L.2009, c. 308 (C. 18A:3B-65) is amended  
8 to read as follows:

9 20. a. Subject to the approval of the Secretary of Higher  
10 Education, the governing board of a public research university or a  
11 State college may establish a branch campus or additional location  
12 out-of-State or out-of-country. When the governing board **[of a**  
13 **public research university or a State college]**, after study and  
14 investigation, determines that it is advisable for the institution to  
15 establish a branch campus or additional location out-of-State or out-  
16 of-country that will serve at least **[500]** 100 students of the  
17 institution, the board shall submit the plan for the branch campus or  
18 additional location to the **[commission]** secretary for **[its]** review  
19 and **[recommendations]** approval . The plan shall include:

20 (1) a description of the higher educational needs of the country  
21 or region in which the branch campus or additional location shall be  
22 located;

23 (2) a description of the proposed branch campus or additional  
24 location and its proposed programs and curriculum; **[and]**

25 (3) an estimate of the cost of establishing and maintaining the  
26 branch campus or additional location including the cost of any  
27 planned acquisition or construction of facilities;

28 (4) a commitment that the branch campus or additional location  
29 will comply with the provisions of P.L.1963, c.73 (C.47:1A-1 et  
30 seq.), known commonly as the open public records act; and

31 (5) any other information or data deemed necessary by the  
32 **[commission]** secretary.

33 b. In developing its response to the plan, the **[commission]**  
34 secretary shall consider whether there is a need for the institution to  
35 acquire a branch campus or additional location and whether the  
36 institution has the financial capacity to support the campus or  
37 location .

38 c. The secretary may approve the establishment of a branch  
39 campus or additional location if the secretary determines that the  
40 branch campus or additional location:

41 (1) serves a compelling State interest;

42 (2) does not impose excessive costs or reputational risk to the  
43 State;

44 (3) does not impose a risk to the security interests of the State or  
45 federal government; 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.

(4) does not conflict with existing State or federal laws or regulations.

In making the determination, the secretary may utilize the assistance of an external consultant team, solicit comments from interested parties including faculty and members of professional staff not holding faculty rank at the public research university or State college, and conduct a site visit at the proposed site of the branch campus or additional location.

d. The governing board of a public research university or a State college shall fix the salary of all faculty and members of the professional staff not holding faculty rank performing services at a branch campus or additional location, and the faculty and members shall be paid and provided benefits in the same manner as all other employees of the public research university or State college performing services on behalf of the public research university or State college within the State.

e. As used in this section:

“Additional location” means a location, other than a branch campus, that is geographically apart from the main campus and at which the institution offers at least 50 percent of an educational program.

“Branch campus” means a campus which: offers courses in educational programs leading to a degree, certificate, or other recognized educational credentials; has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority.

(cf: P.L.2009, c.308, s.20)

2. This act shall take effect immediately.

## STATEMENT

Under current law, when the governing board of a public research university or a State college determines that it is advisable for the institution to establish a branch campus out-of-State or out-of-country that will serve at least 500 students of the institution, the board must submit the plan for the branch campus to the Secretary of Higher Education for its review and recommendations.

This bill amends the law to:

- clarify that the provisions of the bill also apply to additional locations, not just branch campuses;
- specify that the board must first gain the approval of the secretary prior to establishing a branch campus or additional location;
- provide that secretary approval is required for a branch campus or additional location that serves at least 100 students instead of at least 500 students;

- 1       • require the board’s plan to specify a commitment that the
  - 2       branch campus or additional location will comply with the
  - 3       provisions of the open public records act; and
  - 4       • provide that the secretary may approve the establishment of
  - 5       a branch campus or additional location if the secretary
  - 6       determines that the branch campus or additional location:
  - 7       serves a compelling State interest; does not impose
  - 8       excessive costs or reputational risk to the State; does not
  - 9       impose a risk to the security interests of the State or federal
  - 10      government; and does not conflict with existing State or
  - 11      federal laws or regulations.
- 12      The bill specifies that, in making a determination to approve a
- 13      branch campus or additional location, the secretary may utilize the
- 14      assistance of an external consultant team, solicit comments from
- 15      interested parties including faculty and members of professional
- 16      staff not holding faculty rank at the public research university or a
- 17      State college, and conduct a site visit at the proposed site of the
- 18      branch campus or additional location.
- 19      The bill also specifies that faculty and members of the
- 20      professional staff not holding faculty rank will receive the same
- 21      salary and benefits as the employees of the institution within the
- 22      State.