

[First Reprint]

**SENATE, No. 3811**

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

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INTRODUCED MAY 20, 2021

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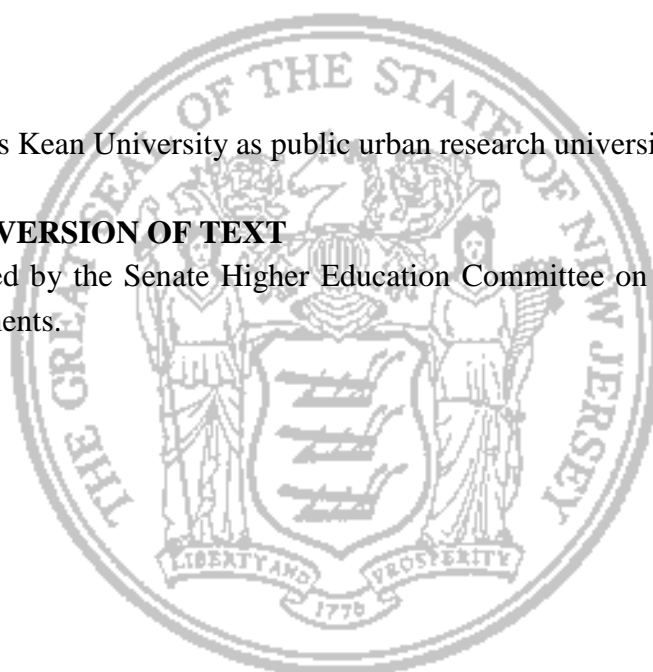
**Senator Gill, Assemblywoman Sumter, Assemblyman Zwicker and  
Assemblywoman Timberlake**

**SYNOPSIS**

Establishes Kean University as public urban research university.

**CURRENT VERSION OF TEXT**

As reported by the Senate Higher Education Committee on June 15, 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:

<sup>1</sup>Senate SHI committee amendments adopted June 15, 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 <sup>1</sup>**[**40. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to  
28 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)**]**<sup>1</sup>

37  
38 <sup>1</sup>**[**41. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to  
39 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)**]**<sup>1</sup>

1       <sup>1</sup>**[42.] 40.**<sup>1</sup> 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       <sup>1</sup>**[43.] 41.**<sup>1</sup> 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 <sup>1</sup>**[44.] 42.**<sup>1</sup> 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 <sup>1</sup>**[45.] 43.**<sup>1</sup> 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 <sup>1</sup>**【46.】** 44.<sup>1</sup> 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       <sup>1</sup>**[47.]** 45.<sup>1</sup> 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       <sup>1</sup>**[48.] 46.**<sup>1</sup> 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.<sup>1</sup>** 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 <sup>1</sup>**[50.] 48.**<sup>1</sup> 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 **'[51.] 49.'** 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 <sup>1</sup>[52.] 50.<sup>1</sup> 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 <sup>1</sup>**[53.] 51.**<sup>1</sup> 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 <sup>1</sup>**【54.】** 52.<sup>1</sup> 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 <sup>1</sup>**[55.] 53.** 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 <sup>1</sup>**[56.]** 54.<sup>1</sup> 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 <sup>1</sup>**[57.] 55.**<sup>1</sup> 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 **<sup>1</sup> [58.] 56.<sup>1</sup>** 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 **<sup>1</sup> [59.] 57.<sup>1</sup>** 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 <sup>1</sup>**【60.】 58.**<sup>1</sup> 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 **<sup>1</sup>[61.] 59.<sup>1</sup>** 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 **<sup>1</sup>[62.] 60.<sup>1</sup>** 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       <sup>1</sup>**【63.】** 61.<sup>1</sup> 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       <sup>1</sup>**【64.】** 62.<sup>1</sup> 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)

47

48 <sup>1</sup>**[65.]** 63.<sup>1</sup> N.J.S.18A:72A-26 is amended to read as follows:

1 18A:72A-26. In order to provide new dormitories and to enable  
2 the construction and financing thereof, to refinance indebtedness  
3 hereafter created by the authority for the purpose of providing a  
4 dormitory or dormitories or additions or improvements thereto, or  
5 for any one or more of said purposes, but for no other purpose  
6 unless authorized by law, each of the following bodies shall have  
7 the powers hereafter enumerated to be exercised upon such terms  
8 and conditions, including the fixing of any consideration or rental to  
9 be paid or received, as it shall determine by resolution as to such  
10 property and each shall be subject to the performance of the duties  
11 hereafter enumerated, that is to say, the treasurer as to such as are  
12 located on land owned by the State or by the authority, the board of  
13 governors of the university, the board of trustees of the New Jersey  
14 Institute of Technology, Rowan University, **【or】** Montclair State  
15 University, or Kean University, the board of trustees of a State  
16 college or the board of trustees of a county college as to such as are  
17 located on land owned by the university or by the particular college  
18 respectively, namely:

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

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

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

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

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

43  
44 <sup>1</sup>**【66.】** 64.<sup>1</sup> N.J.S.18A:72A-27.1 is amended to read as follows:

45 18A:72A-27.1. In addition to the powers and duties with respect  
46 to dormitories given under N.J.S.18A:72A-26 and **【18A:72A-27】**  
47 N.J.S.18A:72A-27 the treasurer, the board of governors of the  
48 university, the board of trustees of the New Jersey Institute of

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

15 **1[67.] 65.**<sup>1</sup> Section 48 of P.L.2009, c.90 (C.18A:72A-82) is  
16 amended to read as follows:

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

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

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

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

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

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

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

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

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

23 3. As used in this act:

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

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

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

43 d. "Eligible student" means any student admitted to a public or  
44 independent institution of higher education who has a visual  
45 impairment, auditory impairment or specific learning disability  
46 within guidelines established by the Commission on Higher  
47 Education pursuant to regulations promulgated under P.L.1985,  
48 c.493 (C.18A:72H-1 et seq.).

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

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

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

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

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

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

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

40  
41 <sup>1</sup>[69.] 67.<sup>1</sup> Section 2 of P.L.2005, c.379 (C.34:11-56.59) is  
42 amended to read as follows:

43 2. As used in this act:

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

47 "Building services" means any cleaning or building maintenance  
48 work, including but not limited to sweeping, vacuuming, floor

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

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

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

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

22 "State institutions of higher education," means Rutgers, The  
23 State University of New Jersey, Rowan University, the New Jersey  
24 Institute of Technology, **[and]** Montclair State University, and  
25 Kean University, and any of the State colleges or universities  
26 established pursuant to chapter 64 of Title 18A of the New Jersey  
27 Statutes, but does not include any county college established  
28 pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

29 (cf: P.L.2017, c.178, s.65)

30  
31 <sup>1</sup>**[70.]** 68.<sup>1</sup> Section 12 of P.L.1978, c.39 (C.52:18A-174) is  
32 amended to read as follows:

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

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

41  
42 <sup>1</sup>**[71.]** 69.<sup>1</sup> Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is  
43 amended to read as follows:

44 1. The Director of the Division of Purchase and Property may,  
45 by joint action, purchase any articles used or needed by the State  
46 and the Palisades Interstate Park Commission, the New Jersey  
47 Highway Authority, the New Jersey Turnpike Authority, the  
48 Delaware River Joint Toll Bridge Commission, the Port Authority



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

17

18 <sup>1</sup>**[72.]** 70.<sup>1</sup> This act shall take effect immediately.