

18A:64E-12 to 18A:64E-32

LEGISLATIVE HISTORY CHECKLIST
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(New Jersey Institute of Technology Act)

NJSA: 18A:64E-12 to 18A:64E-32

LAWS OF: 1995 CHAPTER: 400

BILL NO: S2021

SPONSOR(S): Rocco

DATE INTRODUCED: May 15, 1995

COMMITTEE: ASSEMBLY: ---
SENATE: Education

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First reprint enacted denoted by superscript numbers

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SENATE: December 21, 1995

DATE OF APPROVAL: January 10, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

§§1-21
C.18A:64E-12
to 18A:64E-32
§22
Repealer
§23
Note to §§1-22

P.L.1995, CHAPTER 400, *approved January 10, 1996*

1995 Senate No. 2021 (*First Reprint*)

AN ACT concerning the New Jersey Institute of Technology
¹[and],¹ supplementing Title 18A of the New Jersey Statutes
¹and repealing parts of the statutory law¹.

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

1. This act shall be known and may be cited as the "New Jersey Institute of Technology Act of 1995."

2. As used in this act "New Jersey Institute of Technology," hereinafter referred to as ¹["NJIT" or]¹ "university," shall, unless the context clearly indicates to the contrary, include and mean the public research university ¹[and public body politic]¹ herein designated "New Jersey Institute of Technology" as presently and hereafter constituted, including all departments, colleges, schools, centers, branches, educational and other units and extensions thereof, including, but not limited to, Newark College of Engineering, New Jersey School of Architecture, the College of Science and Liberal Arts, the School of Industrial Management, centers, extension and cooperative education programs, continuing education programs and all other departments of higher education maintained by the educational entity ¹[and public body politic of NJIT] of the university¹.

¹3. There is hereby established a body corporate and politic to be known as the New Jersey Institute of Technology. The exercise by the university of the powers conferred by this act shall be deemed to be public and essential governmental functions necessary for the welfare of the State and the people of New Jersey.¹

¹[3.] 4.¹ It is declared to be the public policy of the State that the university shall be given a high degree of self-government and that the governance and conduct of the university shall be free of partisanship ¹[and that resources be and continue to be provided and funds be and continue to be appropriated by the State, adequate for the conduct of a public research university with high educational standards, and to meet the cost of enrollment and the need and desirability for proper facilities to ensure maintenance of the public trust in providing instruction, research and public service of high quality]¹.

¹[4.] 5.¹ The board of trustees of ¹[NJIT] the university¹ is continued and shall have and exercise the powers, authority, rights and privileges and shall be subject to the duties, obligations, and responsibilities set forth in this act.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted November 27, 1995.

¹[5.] 6.¹ a. Membership of the board of trustees shall consist of the Governor ¹, or his designee,¹ and the Mayor of Newark, as ex officio non-voting members, and, as voting members, up to 15 ¹[other]¹ citizens of the State appointed by the ¹[board with the approval of the]¹ Governor ¹with the advice and consent of the Senate. The board shall recommend potential new members to the Governor¹. The composition and size of the board of trustees shall be determined by the board. The terms of office of appointed members shall be for four years which shall commence on July 1 and expire on June 30. All trustees shall serve after the expiration of their terms until their successors shall have been appointed and qualified. Trustees appointed by the ¹[board with the approval of the]¹ Governor may be removed from the office by the Governor, for cause, after notice and opportunity to be heard. Any vacancy that may occur in the board of trustees shall be filled by appointment in like manner for the unexpired term only.

b. Members of the board as of the effective date of this act shall continue in office until the expiration of their respective terms and the qualification in office of their successors.

c. All voting members of the board of trustees, before undertaking the duties of their office, shall take and subscribe an oath or affirmation to support the Constitution of the State of New Jersey and of the United States, to bear allegiance to the government of the State, and to perform the duties of their office faithfully, impartially and justly, to the best of their ability.

d. Members of the board of trustees shall not receive compensation for their services. Each trustee shall be reimbursed for actual expenses reasonably incurred in the performance of ¹[her or]¹ his duties or in rendering service as a member of or on behalf of the board or any committee of the board.

e. The board of trustees shall elect its chairperson from among its ¹voting¹ members annually in July. ¹The board shall select such other officers from among its members as shall be deemed necessary.¹

f. No voting member of the board of trustees shall be a salaried official of the State of New Jersey, or shall receive remuneration for services from the university. If any member of the board shall become ineligible by reason of the foregoing, a vacancy in ¹[her or]¹ his office as trustee shall thereby occur.

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

¹[6.] 7.¹ The board of trustees of ¹[NJIT] the university¹ shall have general supervision over and be vested with the conduct, control, management and administration of the university. It shall have the authority and responsibility to:

a. Adopt, use, and modify, as it deems appropriate, its corporate seal;

- b. Determine the policies for the organization, administration and development of the university;
- c. Approve the establishment of new educational programs and the discontinuance of existing educational programs at the university consistent with the university's programmatic mission as authorized by the State Board of Higher Education prior to July 1, 1994, or authorized thereafter in accordance with the provisions of the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et seq.)¹;
- d. Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of Treasury in accordance with law;
- e. Disburse all moneys appropriated to the university by the Legislature and thereafter provided the university and disburse all moneys received from tuition, fees, auxiliary services and other sources;
- f. Direct and control expenditures and transfers of funds appropriated and provided by the State through its legislative and executive branches and as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions. The university shall annually report changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of Treasury. All accounts of the university shall be subject to audit by the State at any time;
- g. Appoint and fix the compensation and term of office of a president of the university, who, as the executive officer of the university, shall be assigned that authority and delegated those duties that the board, consistent with law and duly adopted by laws of the board, determines are in keeping with the purposes of this act and in the best interests of the university;
- h. Consistent with the provisions of its budget, this act and any and all controlling collective bargaining agreements, have the power, upon nomination or recommendation of the 1[President] president¹, to appoint, remove, promote and transfer all other officers, agents, or employees which may be required to carry out the provisions of this act and prescribe qualifications for those positions, and assign requisite duties and determine and fix respective compensation for those positions in accordance with duly adopted salary program parameters;
- i. Subject to provision for impartial binding dispute resolution through collective bargaining or as provided by university policy and further subject to and limited by any law to the contrary, have final authority to determine controversies and disputes concerning tenure, personnel matters and other issues involving the university arising under Title 18A of the New Jersey Statutes. Any hearings conducted by the board pursuant to this section shall conform to the requirements of the "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The final administrative decision of the board, in any action enabled hereunder, is appealable to the Superior Court, Appellate Division;

j. Borrow money for the needs³ of the university, as deemed requisite by the board, in such amounts, for such time and upon such terms as may be determined by the board; provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

k. Purchase, lease, acquire by gifts, condemnation or otherwise, manage, use, control, encumber and dispose of property, or any interest therein, whether real, personal or mixed, including, but not limited to, all buildings and grounds, as necessary or deemed desirable for university purposes.

(1) Employ architects and engineers to plan buildings and other campus facilities; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for the equipment thereof; and supervise that construction;

(2) Accept from any government or ¹[governmental] governmental¹ department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

(3) Adopt standing operating rules and procedures for the purchase of all properties, whether real, personal or mixed and including all equipment, materials and supplies and for the purchase of all services. These rules and procedures shall include public competitive bidding ¹, where the sum to be expended exceeds \$17,700 or the amount determined by the Governor as provided herein¹ and ¹the¹ awarding of contracts to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price and other factors considered. This public bidding process shall not be required in those exceptions created by the board of trustees of ¹[NJIT] the university¹, which shall ¹[respect,] be¹ in substance ¹[, as guidelines,]¹ those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10). Neither shall public bidding be required for the supplying of any product or the rendering of any service by a public utility, subject to the jurisdiction of the Board of Public Utilities of the State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any products to be supplied or services to be rendered as are filed with that board. ¹Commencing January 1, 1997 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in this paragraph in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1, of the year in which it is reported.¹

This subsection shall not prevent the university from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor or the hiring of equipment or vehicles, when the safety or protection of its or

other public property or the public convenience requires or the exigency of the university's service will not admit of such advertisement. In such case, the university shall ¹by resolution passed by an affirmative vote of its board of trustees,¹ declare the exigency or emergency to exist, remediate as practicable and maintain appropriate records as to the reason for such awards, reporting as soon as practicable thereafter to its board of trustees on all such purchases, the amounts and the reasons therefor;

(4) Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

¹(5) Invest certain monies in such obligations, securities and other investments as the board shall deem prudent consistent with the purpose and provisions of this act and in accordance with State and federal law, as follows:

Investment in not for profit corporations or for profit corporations organized and operated pursuant to the provisions of subsection s. of this section may utilize income realized from the sale or licensing of intellectual property as well as the reinvestment of earnings on intellectual property. Investment in not for profit corporations may also utilize income from overhead grant fund recovery as permitted by federal law as well as other university funds except those specified in paragraph 4 of subsection s. of this section;¹

¹[(5)] (6)¹ Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

l. Fix and determine tuition rates, and other fees to be paid by students, after reasonable notice and public hearing pursuant to the provisions of the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et seq.);

m. Grant diplomas, certificates or degrees;

n. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of the municipality which initially entered into or approved the contract or agreement, and the obligations and duties so incurred by the municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected members of the governing body of the municipality which initially entered into or approved that contract or agreement, shall have expired.

Pursuant to this subsection, the board of trustees may procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member,

officer, employee or servant of the university, whether part-time, full-time, compensated or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university shall carry its own liability insurance or maintain an actuarially sound program of self-insurance. Any joint venture, subsidiary corporation, or partnership or other jural entity entered into or owned wholly or in part by the university shall maintain ¹[or have maintained on its behalf]¹ insurance or reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

o. Adopt bylaws and amend the same as deemed necessary from time to time and make, promulgate and modify at its pleasure such rules, regulations and orders, not inconsistent with the provisions of this act, as are deemed necessary and proper for the administration and operation of the university and to implement the provisions of this act;

p. Develop an institutional plan and determine the schools, departments, programs and degree levels to be offered by the university consistent with that plan and the university's programmatic mission as authorized by the State Board of Higher Education prior to July 1, 1994, or authorized thereafter in accordance with the provisions of the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A: 3B- 1 et seq);

q. Function as a public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), appointing its chief spokesperson and continuing to conduct all labor negotiations ¹[in coordination]¹ with ¹the participation of¹ the Governor's Office of Employee Relations;

r. Continue to retain independent counsel; ¹[and,]¹

s. Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or services and create or form for profit or not for profit corporations to engage in such activities; provided that any such participation shall be consistent with the mission of the university and the board shall have determined that such participation is prudent.

(1) The decision to participate in any of the activities described in this subsection, including the creation or formation of for profit or not for profit corporations, shall be articulated in the minutes of the board of trustees meeting in which action was approved. A true copy of the minutes of that meeting shall be delivered to the Governor. No such action shall take effect until 30 days, Saturdays, Sundays and public holidays excepted, after the copy of the minutes shall have been delivered to the Governor. If, within the 30-day period, the ¹[governor]
Governor¹ returns the minutes of the meeting with a veto of the action taken by the board, the action taken by the board shall be null and void and of no effect.

(2) Any actions taken by ¹[NJIT] the university¹ pursuant to this subsection shall be in conformity with the university's policy on conflicts of interest ¹and the provisions of P.L.1971, c.182

(C.52:13D-12 et seq.)¹ , which shall ¹[continue to]¹ apply to the university, its employees and officers.

(3) Nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State.

(4) Funds directly appropriated to the university from the State or derived from the university's academic programs shall not be utilized ¹by the for profit or not for profit corporations organized and operated pursuant to this subsection¹ in the development, manufacture or marketing of products, technology or scientific information.

(5) Employees of any joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed ¹public¹ employees ¹[of the State of New Jersey]¹.

(6) A joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey.

(7) Income realized by the university as a result of participation in the development, manufacture or marketing of products ¹[,]¹ technology, or scientific information may be invested, reinvested or retained by the board in accordance with ¹the provisions of this act and any other¹ State ¹[and] or¹ federal law for use in furtherance of any of the purposes of this act ¹or¹ of other applicable statutes¹.

(8) The board shall include in its annual report to the State Treasurer, the operation of all joint ventures, subsidiary corporations, partnerships or other jural entities entered into or owned wholly or in part by the university ¹[.];

t. Create, operate, or participate in the operation of such auxiliary organizations as permitted by law which the board deems prudent and which are in keeping with the educational and public service mission of the university; and

u. Sue and be sued in its own name.¹

¹[7.] 8.¹ The board of trustees, in addition to the other powers and duties provided herein, shall be vested with the right of perpetual succession ¹[, and shall be vested with the right and responsibility to sue and be sued]¹ and shall have and exercise all the powers, rights, and privileges that are incident to the proper governance, conduct and management of the university and the control of its properties and funds and such powers granted to the university or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the State, except as otherwise provided by this act.

¹[8.] 9. The board shall appoint and fix the compensation of a president of the university.¹ The president ¹[of the university]¹ shall be responsible to the board of trustees and shall have such powers as shall be requisite, for the executive management and conduct of the university in all departments, branches and divisions, and for the execution and enforcement of bylaws, ordinances, rules, regulations, statutes and orders governing the management, conduct and administration of the university.

¹[9.] 10.¹ No trustees or officer of the university shall be

personally liable for any debt, obligation or other liability of the university or incurred by or on behalf of the university or any constituent unit thereof.

¹[10.] 11.¹ The board of trustees shall advise the Governor and Legislature, in consultation with the Commission on Higher Education and the President's Council and successor bodies, to the end that the facilities and services of the university may be utilized so as to increase the efficiency of the public education system and provide, maintain and improve upon the quality of higher education for the people of the State. The board of trustees shall make recommendations to the Governor and the Legislature respecting the needs for the facilities and services of the university as an educational instrumentality of the State for that purpose.

¹[11.] 12.¹ Subject to the provisions of P.L.1969, c.242 (C.18A:66-167 et seq.) and except as otherwise provided by law, the university shall be deemed to be an employer for the purposes of the "Public Employees' Retirement System Act," P.L.1954, c.84 (C.43:15A-1 et seq.) and shall also be deemed to be a "public agency or organization" within the meaning of section 71 of that act (C.43:15A-71). Further, the university's commissioned police officers shall be eligible for participation in and subject to the provisions of the "Police and Firemen's Retirement Systems Act" P.L.1944, c.255 (C.43:16A-1 et seq.) and the university shall be deemed an employer within the meaning of that act.

¹[12.] 13.¹ Nothing herein contained shall be construed to impair, annul or affect any vested rights, grants, ¹[charter rights,]¹ privileges, exemptions, immunities, powers, ¹[perogatives] prerogatives¹, franchises or advantages heretofore obtained or enjoyed by the university or any constituent unit thereof, under any authority or any act of this State or under any grant, deed, conveyance, transfer, lease, estate, remainder, expectancy, trust, gift, donation, legacy, devise, endowment or fund, all of which are hereby ratified and confirmed except insofar as the same may have expired, be or have been repealed or altered, or may be inconsistent with this act or with existing provisions of law; subject however, thereto and to all of the rights, obligations, relations, conditions, terms, trust, duties and liabilities to which the same are subject.

¹[13.] 14.¹ The enactment and adoption of this act shall not, of itself, affect the official, operational or organizational status of any officer of the university or any and all outstanding authorizations of any officer, agent or employee, to take specified action, or any and all outstanding commitments or undertakings of or by the university, except and only to the extent that any of the same may be inconsistent with this act.

¹[14.] 15. Upon the establishment of the body corporate and politic known as the New Jersey Institute of Technology:

a. All appropriations available to the New Jersey Institute of Technology prior to the effective date of this act and to become available shall be transferred to the university by the Director of the Division of Budget and Accounting in the Department of the Treasury and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations

or other requirements imposed by the State budget;

b. All other grants, gifts, other moneys and property available to the New Jersey Institute of Technology prior to the effective date of this act and to become available to or for the New Jersey Institute of Technology shall be transferred to the university and shall be available for the objects and purposes of the university, subject to any terms, restrictions, limitations or other requirements imposed by State and federal law or otherwise;

c. All employees of the New Jersey Institute of Technology prior to the effective date of this act shall become employees of the university.¹ Nothing in this act shall be construed so as to deprive any person of any right of tenure or under any retirement system or to any pension, disability, social security or similar benefit, to which the person is entitled by law or contractually.

¹d. All files, papers, records, equipment and other personal property of the New Jersey Institute of Technology shall be transferred to the university; and

e. All orders, rules or regulations theretofore made or promulgated by the New Jersey Institute of Technology shall continue in full force and effect as the orders, rules and regulations of the university until amended or repealed by the university.¹

¹16. This act shall not effect actions or proceedings, civil or criminal, brought by or against the New Jersey Institute of Technology, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the university as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or regulation made by, or other matters or proceedings before, the New Jersey Institute of Technology, and all such matters or proceedings pending before the New Jersey Institute of Technology on the effective date of this act shall be continued by the university, as if the foregoing provisions had not taken effect.¹

¹17. Whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Institute of Technology, the same shall mean and refer to the New Jersey Institute of Technology, herein referred to as "university," established as a public institution of higher education pursuant to the provisions of this act.¹

¹18. The board of trustees of the university is continued and the provisions of this act shall not alter the term of any member of the board, not specifically abolished herein, lawfully in office as of the effective date of this act, or require the reappointment thereof.¹

¹[15.] 19.¹ No provision of this act shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, of the State of New Jersey.

¹[16.] 20.¹ This act, being deemed and declared necessary for the welfare of the State and the people of New Jersey to provide for the development of public higher education in the State and thereby to improve the quality and increase the efficiency of the public system of educational services of the State, shall

be liberally construed to effectuate the purposes and intent thereof.

¹21. In accordance with the provisions of section 27 of the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et seq.), the university is allocated to the Department of State for the purposes of complying with the provisions of Article V, Section IV, Paragraph 1 of the New Jersey Constitution. Notwithstanding this allocation, the university shall be independent of any supervision or control of the Department of State or any board, commission or officer thereof and the allocation shall not in any way affect the principles of institutional autonomy established by that act and as otherwise enumerated herein.¹

¹[17. This act shall be construed to repeal only all acts, provisions of law and board of trustees resolutions that are inconsistent with the provisions of this act and its unfettered promulgation] 22. The following sections are hereby repealed:

N.J.S.18A:64E-1 through N.J.S.18A:64E-11¹.

¹[18.] 23.¹ This act shall take effect ¹[immediately] July 1, 1996¹.

Provides the statutory basis for the New Jersey Institute of Technology.

1 the development of public higher education in the State and
2 thereby to improve the quality and increase the efficiency of the
3 public system of educational services of the State, shall be
4 liberally construed to effectuate the purposes and intent thereof.

5 17. This act shall be construed to repeal only all acts,
6 provisions of law and board of trustees resolutions that are
7 inconsistent with the provisions of this act and its unfettered
8 promulgation.

9 18. This act shall take effect immediately.

10 *Sponsor*
11 STATEMENT
12

13
14 This bill provides the statutory basis for the New Jersey
15 Institute of Technology. Currently, NJIT is operated under
16 contract with the State. NJIT is organized pursuant to the 1881
17 statute which authorizes schools of industrial education
18 (N.J.S.18A:64E-1 et seq.). The bill clarifies the status and role of
19 NJIT as a public research university consistent with the Higher
20 Education Restructuring Act, P.L.1994, c.48.

21 Under the bill the current board of trustees is continued and is
22 given authority similar to that of the boards of Rutgers
23 University and UMDNJ. In addition, the current schools and
24 colleges which comprise NJIT are continued and all contracts,
25 charters and other legal agreements are preserved as are all
26 tenure and employment rights.

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31 Provides the statutory basis for the New Jersey Institute of
32 Technology.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2021

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 1995

The Senate Education Committee favorably reports Senate Bill No. 2021 with committee amendments.

As amended, this bill provides the statutory basis for the New Jersey Institute of Technology (NJIT) and clarifies the role of NJIT as a public research university consistent with the "Higher Education Restructuring Act of 1994," P.L.1994, c.48.

NJIT was established and organized pursuant to N.J.S.18A:64E-1 et seq., an 1881 statute which authorized the establishment of schools of industrial education. Since 1931, NJIT has also operated under an annual contract with the State through which the institution provides higher education services on behalf of the State and which outlines the annual appropriation, tuition and fees, authorized enrollment levels, services provided, and reporting requirements of NJIT.

Under the provisions of the bill, the current NJIT board of trustees is continued and includes the Governor or a designee and the Mayor of Newark, as ex officio non-voting members, and up to 15 citizens of the State appointed by the Governor with the advice and consent of the Senate. The composition and size of the board is to be determined by the board. Board members may be removed by the Governor, for cause, after notice and an opportunity to be heard. The board of trustees shall annually in July elect a chairperson from among its voting members.

The bill continues and outlines the powers of the NJIT board of trustees. These powers are similar to those conferred upon the boards of the University of Medicine and Dentistry and Rutgers University through statute. In addition, the bill specifies that the current schools and colleges of NJIT are continued. These include the Newark College of Engineering, the New Jersey School of Architecture, the College of Science and Liberal Arts, the School of Industrial Management, and all other centers, extension and cooperative education programs, and other departments of higher education maintained by the institution.

Finally, the other provisions of the bill outline the powers of the president of the university, preserve the employment, tenure, and retirement rights of university personnel, and continue all contracts, charters, and other legal agreements previously entered into by NJIT.

The committee adopted amendments which 1) provide for the appointment of the board of trustees by the Governor with the advice and consent of the Senate; 2) require public bidding when the amount exceeds \$17,700, as adjusted biennially by the Governor; 3) specify the investment instruments which may be utilized by the university and the categories of income which may be invested in the instruments; 4) stipulate that the State Conflict of Interest

Statute applies to the university and its employees; 5) require the board of trustees to appoint and fix the compensation of the president; 6) clarify that all appropriations, gifts and grants which are available to NJIT are transferred to the university as established under the act and that all employees of NJIT are to become employees of the university; 7) clarify that all rules and regulations remain in force and that the provisions of the act will not affect any civil or criminal proceedings pending against NJIT; and 8) repeal the statute that permitted the establishment of schools for industrial education (18A:64E-1 et seq.).