

CHAPTER 206

AN ACT establishing the New Jersey Marine Sciences Consortium and supplementing Title 52 of the New Jersey Statutes.

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

C.52:18C-1 New Jersey Marine Sciences Consortium.

1. There is hereby established in but not of the Department of the Treasury a body corporate and politic to be known as the New Jersey Marine Sciences Consortium, hereinafter referred to as the consortium. The consortium, through its partnership of various institutions of higher education throughout the State and in neighboring states, shall seek as its principal purpose to foster the stewardship and wise use of the region's coastal resources. The consortium shall serve as the managing agent of the New Jersey Sea Grant College Program and shall provide effective leadership in marine affairs in the State and region by facilitating science literacy, contributing solutions to coastal issues, contributing to science-based policy and technology development, and promoting sustainability through balanced economic growth and environmental stewardship.

C.52:18C-2 Board of trustees.

2. The administration and conduct of the consortium shall be vested in a board of trustees. The board of trustees shall consist of 24 voting members as follows: the Commissioner of Environmental Protection, ex-officio, or a designee; the Executive Director of the Commission on Higher Education, ex-officio, or a designee; the State Treasurer, ex-officio, or a designee; the Commissioner of Transportation, ex-officio, or a designee; the Secretary of Agriculture, ex-officio, or a designee; the Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, ex-officio, or a designee; the Laboratory Director of the James J. Howard Marine Sciences Laboratory of the Northeast Fisheries Science Center, ex-officio, or a designee; six members representing institutions of higher education in the State, including one each selected by the New Jersey Association of State Colleges and Universities, Rutgers, The State University, the New Jersey Institute of Technology, the New Jersey Council of County Colleges, the Association of Independent Colleges and Universities in New Jersey, and the University of Medicine and Dentistry of New Jersey; a representative selected by the New Jersey Council of Vocational Schools; and 10 public trustees, including six trustees who shall be appointed by the Governor, two trustees who shall be appointed by the President of the Senate, and two trustees who shall be appointed by the Speaker of the General Assembly. To the greatest extent practicable, each of the public trustees shall be selected for their expertise, training, and interest in regional economics and business, marine transportation and harbor operations, ocean policy, recreational and commercial fishing, marine recreation and tourism, and other living marine resources. In addition to the 24 voting members, the board of trustees may elect emeritus trustees, who shall serve as nonvoting members on the board. The trustees representing institutions of higher education, the trustee selected by the New Jersey Council of Vocational Schools, and the public trustees shall be appointed for terms of three years and shall serve until the appointment of their successors, except for the initial terms which shall be staggered terms of one, two, and three years respectively as determined by the Governor. Members of the board shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their duties.

C.52:18C-3 Annual meeting of board, appointment of president, report to Governor.

3. a. The board of trustees shall meet annually on or before April 30th and shall annually elect from among its members a chairman and a vice-chairman who shall continue to serve until their successors have been appointed.

b. The board of trustees shall appoint a president of the consortium who shall also serve as the chief executive officer and who shall be an ex-officio, nonvoting member of the board. The president shall serve at the pleasure of the board and shall, with the approval of the board and subject to the applicable laws, rules, and regulations of the State, appoint and remove all professional, research, technical, clerical, and stenographic employees of the consortium. The compensation of the president shall be fixed by the board. The president shall serve as secretary to the board, the executive committee, and any additional committees appointed by the board to assist in the implementation of the provisions of this act.

c. On or before June 30th of each year, the president shall submit a report of the activities of the consortium to the board of trustees together with any additional information the board of trustees may require.

d. A true copy of the minutes of every meeting of the board shall be delivered to the Governor. No action taken at the meeting by the board shall have force or effect until 10 days after the copy of the minutes has been delivered. If in the 10-day period the Governor returns the copy of the minutes with a veto of any action taken by the board or any member thereof at the meeting, the action shall be null and of no effect. If the Governor does not return the minutes within the 10-day period, any action therein recited shall have force and effect according to the wording thereof. At any time prior to the expiration of the 10-day period, the Governor may sign a statement of approval of any such action of the board, in which case the approved action shall not thereafter be disapproved.

C.52:18C-4 Responsibilities of consortium.

4. It shall be the responsibility of the consortium to administer the New Jersey Sea Grant College Program and to continue to implement the New Jersey Master Plan on Marine Sciences. The consortium shall have the responsibility, consistent with State and federal law, to:

a. undertake long-range planning to develop cooperative programs among member institutions through a solid Statewide organizational structure and function as a vehicle to assist member institutions individually and collectively;

b. promote and broker cooperative marine research, education, and advisory services utilizing the pooled resources of member institutions;

c. facilitate and organize research on problems of interest to State and federal government agencies;

d. provide for the operation of field stations and laboratories for research, education, and advisory services in all marine-related disciplines;

e. organize and sponsor graduate and undergraduate studies in all marine sciences;

f. provide facilities for research, instruction, and public service for visiting researchers, organized groups, and students, and for meetings, seminars, and workshops hosted to encourage dialogue among scientists and stakeholders;

g. encourage preparation of peer-reviewed papers and scholarly publications and provide for interpretation and dissemination of research findings in a manner most beneficial to the State;

h. aid and encourage scholarly activities for research fellows and others by organizing and sponsoring programs and providing opportunities for basic and applied research;

i. assign membership dues and user fees for consortium facilities;

- j. administer research funds acquired from cooperative programs through competitive grants and contracts;
- k. develop a consortium mini-grant program to encourage new researchers; and
- l. serve as the recipient agency for transfers of real property and offers of grants or equipment.

C.52:18C-5 Powers of board of trustees.

5. The board of trustees shall have the following powers:
- a. to sue and be sued, including the right to recover all debts owing and to retain legal counsel therefor, as provided for under State law;
 - b. to actively seek and accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or any other person or agency which are not in contravention of the constitution and State law;
 - c. to purchase equipment, and to properly maintain, and make improvements to facilities necessary for the use of the consortium in accordance with applicable State laws;
 - d. to adopt, amend, or repeal rules and regulations necessary or proper for the business of the consortium;
 - e. to affiliate with any institution giving any special course of instruction, upon such terms as the board of trustees deems expedient, which terms may include the retention by such institution of the control of property, faculty, and staff;
 - f. to enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college or university purposes and programs in accordance with applicable laws;
 - g. to perform such other functions as are necessary or incidental to the supervision and management of the consortium;
 - h. to employ the proceeds of all donations, grants, subscriptions, and bequests made to the consortium in accordance with the terms and conditions of the donations, grants, subscriptions, and bequests;
 - i. to establish such subcommittees as may be necessary to assist the board of trustees in the implementation of the provisions of this act;
 - j. to adopt necessary rules and regulations regarding the hours of employment and the accrual and use of sick leave and annual leave for all personnel employed by the consortium; and
 - k. to enter into contracts and agreements with any public agency for the establishment of State or other public offices on the property and in the buildings belonging to or under the control of the consortium. The board of trustees also may enter into contracts and agreements for joint construction, equipment, maintenance, and financing of the buildings, and enter into contracts and agreements for the joint financing, supervision, and conduct of cooperative enterprises and undertakings.

C.52:18C-6 Executive committee of the consortium.

6. The State Treasurer and the six public trustees of the consortium appointed by the Governor shall establish an executive committee of the consortium. The executive committee shall serve as the fiscal agent of the consortium and shall review and approve the consortium's budget requests and operating budget and shall review and approve all funds appropriately awarded or bequeathed to the consortium. The executive committee shall prepare and submit all budget requests and other budget documents required and shall review

and approve all payments made from federal, State, private or other funds available to the consortium.

C.52:18C-7 Advisory committee to the consortium.

7. There is created an advisory committee to the consortium. The advisory committee shall consist of 11 members, who shall serve for terms of four years and shall serve until the appointment of their successors except for the initial terms which shall be staggered terms of two, three, and four years respectively as determined by the Governor. The Commissioner of Environmental Protection, the Secretary of Agriculture, the Commissioner of Transportation, and the Chief Executive Officer and Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission shall each appoint one member to the advisory committee. The Governor shall appoint, with the advice and consent of the Senate, one member each from the maritime industry, commercial fishing and aquaculture industry, pharmaceutical industry, biotechnology industry, recreational fishing interests, and environmental organizations. The Laboratory Director of the James J. Howard Marine Science Laboratory of the Northeast Fisheries Science Center, Sandy Hook Laboratory, or his designee, shall also serve on the advisory committee.

C.52:18C-8 "New Jersey Marine Sciences Consortium Account."

8. a. There is established in the General Fund a special, dedicated, non-lapsing account to be known as the "New Jersey Marine Sciences Consortium Account," which shall be a dedicated fund to serve as a depository for monies collected by the consortium through grant funds, private contributions, awards, donations and other sources as are available. The monies in the fund shall be made available to the New Jersey Marine Sciences Consortium only for the purposes set forth in this act.

b. The fund shall be credited with the existing funds of the consortium and other funds to support the functions of the consortium as they become available.

9. This act shall take effect immediately.

Approved December 20, 2007.