

February 24, 2009

U.S. Nuclear Regulatory Commission, Region 1
Attn: Division of Nuclear Materials Safety
475 Allendale Road
King of Prussia, PA 19406

5-6

Attn: Dennis R. Lawyer, Health Physicist

Re: Rutgers, The State University of New Jersey
NRC License No. 29-05218-28
Docket No. 03000883
Response to Verbal Request for Copies of N.J.S.A. 18A-65

2009 FEB 27 PM 12: 20

RECEIVED
REGULATORY I

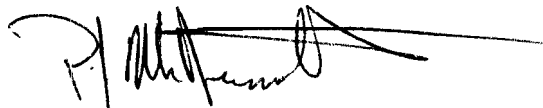
Dear Mr. Lawyer:

Please consider this Rutgers University's response to your verbal request for copies of several sections from the current version of the New Jersey Statutes Annotated (N.J.S.A.), Title 18A, Chapter 65. These sections are referenced in the financial assurance documents for Material License No. 29-05218-28.

The attached copy of N.J.S.A. section 18A-65-14 describes the composition of the Board of Governors of Rutgers, The State University of New Jersey. The attached copy of N.J.S.A. section 18A-65-25 outlines the authority and responsibilities of the Board of Governors.

If you have questions or require more information, please do not hesitate to contact me.

Sincerely,



Patrick J. McDermott, CHP
Radiation Safety Officer

cc: M. McLane, Director, REHS
file: R.U. License File

14689

REGULATORY MATERIALS-001

C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness

Title 18A. Education

Subtitle 9. Public Higher Education

Chapter 65. Rutgers, the State University (Refs & Annos)

Article 5. Government of the Corporation and the University (Refs & Annos)

→ 18A:65-14. Board of governors, membership, classification, terms, succession

The membership of the board of governors shall be classified as follows and consist of:

- a. the president of the corporation, serving as an ex officio non-voting member; and
- b. 11 voting members,
 - i. six of whom shall be appointed by the Governor of the State, with the advice and consent of the Senate, and
 - ii. five of whom shall be appointed by the board of trustees, from among their members elected and serving under the provisions of subsection l.c. or l.d. of 18A:65-15.

All members shall serve for terms of six years, except that the terms of those initially appointed by the Governor which began on September 1, 1956, shall expire respectively (as designated by him) one, two, three, four, five and six years after June 30, 1956, and terms of those initially appointed by the board of trustees which began on September 1, 1956, shall expire respectively (as designated by the board) two, three, four, five and six years after June 30, 1956; all of whose respective successors shall be appointed to serve six-year terms. Governors may succeed themselves for not more than one additional term after having served one full six-year term (including an initial term beginning on September 1, 1956, and expiring on June 30, 1962).

CREDIT(S)

L.1967, c. 271, § 18A:65-14, eff. Jan. 11, 1968. Amended by L.1994, c. 48, § 177, eff. July 1, 1994.

HISTORICAL AND STATUTORY NOTES

1999 Main Volume


Source:

C. 18:21A-41 (L.1966, c. 302, § 41); C. 18:22-15.4 (L.1945, c. 49, § 4); C. 18:22-15.31 (L.1956, c. 61, § 7, amended by L.1962, c. 47, § 1).

NOTES OF DECISIONS

Actions 1

1. Actions

New Jersey chancellor of higher education was not a proper party to action challenging approval given by New Jersey board of higher education and board of trustees and board of governors of state university to a method for raising funds for a public interest research group from students attending the university where the chancellor was only a nonvoting ex officio member of such boards and lacked any legal power to influence or control their actions. Galda v. Bloustein, D.C.N.J.1980. 86 F.R.D. 561. Colleges And Universities  10

N. J. S. A. 18A:65-14, NJ ST 18A:65-14

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C**Effective:[See Text Amendments]**New Jersey Statutes Annotated Currentness

Title 18A. Education

Subtitle 9. Public Higher Education

Chapter 65. Rutgers, the State University (Refs & Annos)Article 5. Government of the Corporation and the University (Refs & Annos)**→ 18A:65-25. Authority and responsibility of board of governors**

The board of governors shall have general supervision over and be vested with the conduct of the university. It shall have the authority and responsibility to:

- a. Determine policies for the organization, administration and development of the university;
- b. Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and present the annual budget to the Governor, the Division of Budget and Accounting in the Department of the Treasury and the Legislature, in accordance with law;
- c. Disburse all moneys appropriated to the university by the Legislature, moneys received from tuition, fees, auxiliary services and other sources, and from or by direction of the board of trustees;
- d. Direct and control expenditure and transfer of finds appropriated to the corporation and the university by the State in accordance with the provisions of the State budget and appropriation acts of the Legislature; and, as to funds received from the trustees and other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury. **All** accounts of the university shall be subject to audit by the State at any time;
- e. Borrow money for the needs of the corporation and the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, with the consent and advice of the board of trustees; 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 finds (other than moneys appropriated for that purpose) of the State;
- f.
 1. Purchase all lands, buildings, equipment, materials and supplies; and
 2. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;
- g. Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

h. In accordance with the provisions of the budget, have the sole power (subject to the provisions of section 18A:65-31) to elect, appoint, remove, promote or transfer all corporate, official, educational and civil administrative personnel, and fix and determine their salaries in accordance with salary schedules adopted by the board of governors . Such salary schedules shall prescribe qualifications for the various classifications and shall limit the percentage of the educational staff that may be appointed or promoted to any given classification;

i. In accordance with the provisions of the budget, appoint, remove, promote and transfer all other officers, agents, or employees, assign their duties, determine their salaries, and prescribe qualifications for all positions, and in accordance with the salary schedules of the State Civil Service Commission wherever possible; and

j. Authorize any new educational department or school consistent with the institution's programmatic mission or approved by the Commission on Higher Education.

CREDIT(S)

L.1967, c. 271, § 18A:65-25, eff. Jan. 11, 1968. Amended by L.1970, c. 174, § 1, eff. July 31, 1970; L.1994, c. 48, § 181, eff. July 1, 1994.

HISTORICAL AND STATUTORY NOTES

1999 Main Volume

Source:

C. 18:21A-13 (L.1966, c. 302, § 13); C. 18:22-15.42 (L.1956, c. 61, § 18).

RESEARCH REFERENCES

2009 Electronic Update

Treatises and Practice Aids

41 N.J. Prac. Series § 4.4, Contracting With State Agencies--Department of Education.

NOTES OF DECISIONS

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1. Construction with other laws

State university's underlying billing documents for attorney fees and accounts payable with regard to matters involving labor and employment were "public records" under right-to-know law on access to public records; university was statutorily required to keep its accounts available for audit at anytime, university could not be prepared for audit without maintaining the records, and right-to-know law defines public records to include those required to be made,

maintained, or kept on file. Kcddie v. Rutgers, State University., 286 N.J.Super. 285, 669 A.2d 247 (A.D.1996), certification granted 144 N.J. 377,676 A.2d 1092, reversed 148 N.J. 36, 689 A.2d 702. Records 54

State University which had previously been purely private body selling educational services to state did not become subject to §§ 52:32-2, 52:34-6, 52:35-1 et seq., where this section granting broad powers to board of governors and containing provision on specific subject did not incorporate §§ 52:32-2, 52:34-6, 52:35-1 et seq., where state and university officials at time of considering arrangement between state and university relied on Attorney General's opinion that §§ 52:32-2, 52:34-6, 52:35-1 et seq., would not be applicable, and in view of intended purpose of legislation. Rutgers, the State University v. Kugler, 110 N.J.Super. 424, 265 A.2d 847 (L.1970). Colleges And Universities 5

2. Budget

Right of board of higher education to make budget recommendations for Rutgers University was intended by legislature to be exercised freely, and in a manner that would enable it to receive an independent and analytical assessment of budgetary needs of university. Rutgers Council of Am. Ass'n of University Professors v. New Jersey Bd. of Higher Ed., 126 N.J.Super. 53, 312 A.2d 677 (A.D.1973). Colleges And Universities 7

Autonomy of Rutgers University was not violated where board of higher education simply performed its statutory duty to advise and recommend to legislature extent of state aid it believed appropriate and necessary for University, and legislature simply adopted new funding formula in appropriating funds for Rutgers for its instruction and departmental research use. Rutgers Council of Am. Ass'n of University Professors v. New Jersey Bd. of Higher Ed., 136 N.J.Super. 53, 312 A.2d 677 (A.D.1973). Colleges And Universities 6(1)

3. Purchasing

The New Jersey Agricultural Experiment Station is now part of Rutgers, the State University, and authority to effect purchases for that entity is vested in board of governors of that institution, and therefore division of purchase and property is not authorized to purchase automobiles for New Jersey Agricultural Experiment Station. Atty.Gen.F.0.1957, No. 13.

4. Buildings


Rutgers University is an instrumentality of state, and as such instrumentality is immune from local zoning ordinances, and its choice of site for housing facilities will not be upset except upon an affirmative showing of fraud, bad faith or manifest abuse. Rutgers State University v. Piluso, 113 N.J.Super. 65, 272 A.2d 573 (L.1971), affirmed 60 N.J. 142.286 A.2d 697. Zoning And Planning 237


5. Legal representation

Because the interests of a public university may be different from those of a state, public university may need representation other than by Attorney General. Frank Briscoe Co., Inc. v. Rutgers, the State University and College of Medicine and Dentistry of New Jersey, 130 N.J.Super. 493, 327 A.2d 687 (L.1974). Colleges And Universities 5

6. Actions

Claims of group of professors formerly employed by state university, for injunctive and declaratory relief against university president of personnel, vice-president, and vice-president's successor, would be dismissed, as relief pro-

fessors sought, reinstatement with promotion and tenure and judgment declaring their entitlement to tenure, could only be conferred by board of governors. Kovats v. Rutgers, D.N.J.1986, 633 F.Supp. 1469, remanded 822 F.2d 1303, on remand 721 F.Supp. 66. Colleges And Universities 8.1(2)

In light of charter provision giving state university the right to sue and be sued, absence of any affirmative evidence of an intent to repeal such right, confirmation of such power in 1956 act providing for reorganization of state university and history of university's exercise of power to sue and be sued in the courts after 1956, state university had the power to sue and be sued at time Contractual Liability Act was enacted in 1972 and was thus not subject to the Act and could not raise defense of sovereign immunity in actions against it. Frank Briscoe Co., Inc. v. Rutgers, the State University and College of Medicine and Dentistry of New Jersey, 130 N.J.Super. 493. 327 A.2d 687 (L.1974). Colleges And Universities 10

N. J. S. A. 18A:65-25, NJ ST 18A:65-25

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