

18A:24-18

**LEGISLATIVE HISTORY CHECKLIST**  
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(School bond proceedings--eliminate  
requirement of approval by Attorney General)

**NJSA:** 18A:24-18

**LAWS OF:** 1993 **CHAPTER:** 146

**BILL NO:** S1103

**SPONSOR(S)** Brown

**DATE INTRODUCED:** August 3, 1992

**COMMITTEE:** **ASSEMBLY:** ---  
**SENATE:** Education

**AMENDED DURING PASSAGE:** No Senate Committee substitute enacted

**DATE OF PASSAGE:** **ASSEMBLY:** June 17, 1993  
**SENATE:** June 10, 1993

**DATE OF APPROVAL:** June 22, 1993

**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

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SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1103

STATE OF NEW JERSEY

ADOPTED MAY 6, 1993

Sponsored by Senator BROWN

1 AN ACT concerning school bond authorization proceedings and  
2 amending various sections of the New Jersey Statutes.

3

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

6 1. N.J.S.18A:24-18 is amended to read as follows:

7 18A:24-18. Every such supplemental debt statement shall be  
8 conclusively presumed to be accurate and correct and to be  
9 timely filed as the basis for the issuance of any bond or other  
10 obligation, authorized, within the principal amount of bonds to  
11 which effect is given therein, by an ordinance or resolution  
12 adopted [within 60 days after the filing thereof] in connection  
13 therewith, and shall not be rebutted, and the correctness [and],  
14 sufficiency and timeliness of such debt statements shall not be  
15 contested or questioned in any action or proceeding relating to  
16 any such bond or other obligation or the levy or collection of  
17 taxes for the payment of the same.

18 (cf: P.L.1978, c.71, s.3)

19 2. N.J.S.18A:24-30 is amended to read as follows:

20 18A:24-30. Whenever bonds are authorized to be issued by a  
21 type II school district under this chapter, the secretary of the  
22 board of education of the district shall transmit [certified copies  
23 of the record of the proceedings authorizing such issuance to the  
24 attorney general for his approval of the legality of the  
25 proceedings and shall file with the commissioner duplicate copies  
26 of the record so approved] to the commissioner a certified copy  
27 of the bond proposal adopted by resolution of the board of  
28 education and approved by a majority of the legally qualified  
29 voters of the district voting on the proposal at an annual or  
30 special school election.

31 (cf: N.J.S.18A:24-30)

32 3. N.J.S.18A:24-55 is amended to read as follows:

33 18A:24-55. After school bonds have been authorized in  
34 accordance with this chapter [and, in the case of a type II  
35 district, the attorney general has approved the legality of the  
36 proceedings authorizing the issuance thereof], the board of  
37 education may, within the amount and for the purposes of such  
38 authorization, make contracts notwithstanding that the moneys  
39 to be raised therefor by the issuance of such bonds, or notes or  
40 temporary loan bonds in anticipation thereof, are not in hand.

41 (cf: N.J.S.18A:24-55)

42 4. N.J.S.18A:24-65 is amended to read as follows:

43 18A:24-65. No action to contest the validity of any proceeding

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.

1 or election authorizing the issuance of any bonds, held in  
2 connection with any such authorization, or the application of the  
3 proceeds of any such issue to a purpose other than those for  
4 which the bonds were issued, shall be commenced after the  
5 expiration of [15] 20 days from the date of the institution of such  
6 proceedings or the holding of such election or the action in  
7 connection therewith forming the subject matter of such  
8 contest. Thereafter, the proceedings shall be conclusively  
9 presumed to be due authorization for the issuance of the bonds.

10 (cf: N.J.S.18A:24-65)

11 5. This act shall take effect immediately.

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16 Revises procedure for authorization of school bonds.

SENATE, No. 1103  
STATE OF NEW JERSEY

INTRODUCED AUGUST 3, 1992

By Senator BROWN

1 AN ACT concerning school bond authorization proceedings and  
2 amending N.J.S.18A:24-30 and N.J.S.18A:24-55.

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

6 1. N.J.S.18A:24-30 is amended to read as follows:

7 18A:24-30. Whenever bonds are authorized to be issued by a  
8 type II school district under this chapter, the secretary of the  
9 board of education of the district shall transmit a certified  
10 [copies] copy of the record of the proceedings authorizing such  
11 issuance [to the attorney general for his approval of the legality  
12 of the proceedings and shall file with], reviewed by an Attorney  
13 at Law of the State of New Jersey as to compliance with the laws  
14 governing school bond authorization proceedings, to the  
15 commissioner [duplicate copies of the record so approved] for  
16 filing. If any exceptions to compliance are noted and the  
17 attorney provides an opinion that such exceptions are not so  
18 substantial as to deprive the voters of the opportunity to act  
19 knowingly in approving the bond proposal, then the commissioner  
20 may accept the record of the proceedings for filing. The filing of  
21 the record of the proceedings shall be deemed conclusive  
22 evidence that the bonds authorized by the proceedings have been  
23 duly authorized in accordance with law and no action, suit or  
24 proceeding may be instituted thereafter to challenge the  
25 proceeding.

26 (cf: N.J.S.18A:24-30)

27 2. N.J.S.18A:24-55 is amended to read as follows:

28 18A:24-55. After school bonds have been authorized in  
29 accordance with this chapter [and, in the case of a type II  
30 district, the attorney general has approved the legality of the  
31 proceedings authorizing the issuance thereof], the board of  
32 education may, within the amount and for the purposes of such  
33 authorization, make contracts notwithstanding that the moneys  
34 to be raised therefor by the issuance of such bonds, or notes or  
35 temporary loan bonds in anticipation thereof, are not in hand.

36 (cf: N.J.S.18A:24-55)

37 3. This act shall take effect immediately.

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STATEMENT

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42 This bill would remove the requirement for the approval of  
43 school district bond authorization proceedings by the Attorney  
44 General. The bill provides that the commissioner may accept the

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.

1 record of the bond proceeding for filing provided an attorney at  
2 law has reviewed the bond proceedings for legality and renders an  
3 opinion that any irregularity will not frustrate the will of the  
4 voters. The filing of the record will then be deemed conclusive  
5 evidence that the bonds have been duly authorized in accordance  
6 with law and no action, suit or proceeding may be instituted  
7 thereafter to challenge the proceeding.

8 Over the past years the Attorney General has refused to  
9 approve the record of these proceedings if there has been any  
10 irregularity, even an insubstantial one which would not invalidate  
11 the election under case law. In this situation a Validating Act  
12 would be required for the bond proceeding to be effective.

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17 Eliminates requirement for Attorney General to approve the  
18 legality of school bond authorization proceedings.

SENATE EDUCATION COMMITTEE  
STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1103  
STATE OF NEW JERSEY

DATED: MAY 6, 1993

The Senate Education Committee favorably reports this Senate Committee Substitute for Senate, No. 1103.

This committee substitute revises the procedure which takes effect following the approval of a school bond proposal by the voters at a school election in order to conform the requirements for the authorization of school bonds to the requirements for the authorization of municipal and county bonds under the "Local Bond Law" (N.J.S.40A:2-1 et seq.). The bill requires the secretary of a board of education to transmit to the commissioner a certified copy of the bond proposal adopted by resolution of the board of education and approved by the voters at the election. It also changes the period of time to contest the validity of school bond authorization proceedings from 15 days to 20 days and eliminates the requirement for the approval of the proceedings by the attorney general.