

# SENATE, No. 1287

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator PAUL A. SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 12 (Mercer and Monmouth)**

**Assemblyman VINCENT J. POLISTINA**

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**Assemblyman PATRICK J. DIEGNAN, JR.**

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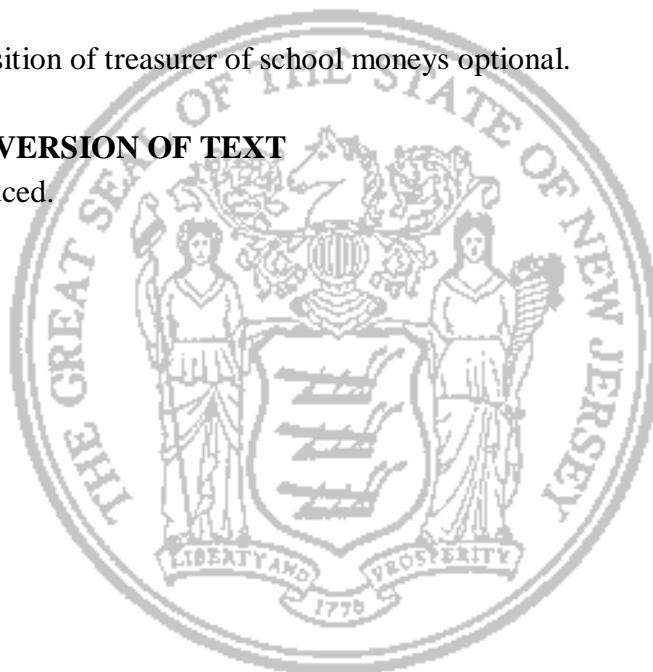
**Senator T.Kean, Assemblymen Connors, DiCicco and Assemblywoman  
McHose**

**SYNOPSIS**

Makes position of treasurer of school moneys optional.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/2010)**

S1287 VAN DREW, SARLO

2

1 AN ACT concerning the position of treasurer of school moneys,  
2 supplementing chapter 17 of Title 18A of the New Jersey  
3 Statutes and amending various sections of the New Jersey  
4 Statutes.

5

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

8

9 1. (New section) In a school district which does not have a  
10 treasurer of school moneys, the board secretary shall receive and  
11 hold in trust all school moneys belonging to the district from  
12 whatever source derived free of any control by the governing body  
13 of any municipality comprised in that district, except any moneys  
14 derived from athletic events or other activities of pupil  
15 organizations of the district. The board secretary shall, when  
16 required by resolution of the board, deposit the school moneys or  
17 such part thereof as may be designated in any bank or banking  
18 institution of this State designated by it as a depository of school  
19 moneys, which may include the State of New Jersey Cash  
20 Management Fund, created pursuant to section 1 of P.L.1977, c.281  
21 (C.52:18A-90.4), and thereafter school moneys shall be deposited  
22 only in the depository or any of the depositories so named and the  
23 secretary shall, upon depositing the same therein, be relieved from  
24 liability for any loss thereof which may be caused by reason of the  
25 deposit.

26

27 2. (New section) In a school district which does not have a  
28 treasurer of school moneys, the board secretary shall keep a record  
29 of the sums received and paid out by him in accordance with the  
30 uniform system of bookkeeping prescribed by the State board. Upon  
31 ceasing to hold the office the board secretary shall pay over the  
32 balance of school funds remaining in his hands to his successor in  
33 office.

34

35 3. N.J.S.18A:2-2 is amended to read as follows:

36 18A:2-2. In every case of conviction or violation of any  
37 provision of this title, when a fine is imposed, the defendant may  
38 pay the fine, together with the cost to the officer before whom the  
39 conviction is had, and such officer shall receive the same and unless  
40 otherwise provided by this or any other law he shall remit the  
41 amount of the fine within 10 days thereafter to the **[custodian of**  
42 **school moneys]** board secretary or treasurer of school moneys of  
43 the district, as appropriate, where the offense was committed, for  
44 the use of the public schools thereof.

45 (cf: N.J.S.18A:2-2)

**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 4. N.J.S.18A:6-50 is amended to read as follows:

2 18A:6-50. For the purpose of defraying the necessary expenses  
3 of the association, the various district boards shall pay the necessary  
4 expenses incurred by its delegates, and shall appropriate annually  
5 such sums for dues as may be assessed by the association at any  
6 delegates meeting. The assessment of dues shall be made upon a  
7 graduated scale and shall be made only upon two-thirds vote of the  
8 delegates present at such delegates meeting, after notice of the  
9 taking of such vote shall have been given to each district board in  
10 writing at least 60 days before such delegates meeting. However,  
11 the dues assessed any board of education shall not be increased for  
12 any year by more than 33 1/3% of the dues assessed that board  
13 during the preceding year. Dues shall be payable by the  
14 **[custodian] board secretary or treasurer** of school moneys of the  
15 school district, as appropriate, to the treasurer of the association.  
16 (cf: P.L.1973, c.120, s.1)

17

18 5. N.J.S.18A:8-33 is amended to read as follows:

19 18A:8-33. The board **[shall] may** appoint a suitable person,  
20 **[who may be] except** a member or employee of the board, as  
21 **[custodian] treasurer** of school moneys and may fix his salary, and  
22 he shall give bond in such amount, according to such terms, as are  
23 required by law, of **[custodians] treasurers** of school moneys of  
24 school districts, and with such surety as the board shall direct. The  
25 board in its determination of the amount shall be guided by a  
26 schedule of minimum limits to be promulgated by the **[state] State**  
27 board.  
28 (cf: N.J.S.18A:8-33)

29

30 6. N.J.S.18A:13-13 is amended to read as follows:

31 18A:13-13. The board shall appoint a secretary who may or may  
32 not be a member of the board, for the term of one year beginning on  
33 July 1 following his appointment but he shall continue to serve after  
34 the expiration of his term until his successor is appointed and  
35 qualified. In a district which does not have a treasurer of school  
36 moneys, the secretary shall give bond in such amount and with such  
37 surety as the board shall direct. The board shall be guided in its  
38 determination of the amount of coverage necessary by a schedule of  
39 minimum limits promulgated by the State Board of Education.  
40 (cf: N.J.S.18A:13-13)

41

42 7. N.J.S.18A:13-14 is amended to read as follows:

43 18A:13-14. The board **[shall] may** appoint a treasurer of school  
44 moneys who **[may] shall not** be a member or employee of the board  
45 and it shall fix his salary. His term of office shall expire annually  
46 on June 30 of each year, but if a municipal officer is appointed  
47 treasurer, his term shall cease if he ceases to hold his municipal

1 office and in either case, the treasurer shall continue in office after  
2 the expiration of his term until his successor is qualified. He shall  
3 give bond in such amount, and with such surety, as the board shall  
4 direct. The board in its determination of the amount shall be guided  
5 by a schedule of minimum limits to be promulgated by the State  
6 board.

7 (cf: P.L.1981, c.174, s.1)

8

9 8. N.J.S.18A:13-50 is amended to read as follows:

10 18A:13-50. Upon the dissolution of any local district the officer  
11 having custody of the funds of such district shall deliver all of the  
12 funds of the dissolved district in his possession to the secretary of  
13 the successor regional district who shall give his receipt therefor  
14 and shall, in a district which has a treasurer of school moneys,  
15 immediately turn the same over to the **【custodian】** treasurer of  
16 school moneys of the regional district.

17 All personal property, books, papers, vouchers and other  
18 documents belonging to any district, being dissolved, shall be  
19 transferred to the secretary of said regional district who shall cause  
20 a complete inventory to be made on all assets, real and personal,  
21 received by the regional school district. Upon and after the date of  
22 dissolution of the district all proceeds of taxes of any nature raised  
23 or to be levied for use or benefit of each dissolving school district  
24 and rights and claims with respect thereto, and all the property,  
25 funds, moneys and assets of each dissolving district shall vest in the  
26 regional district and the regional district shall be subject to all the  
27 contracts, debts and other obligations of each dissolving district.  
28 Upon said date all bonds and notes, of each dissolving district,  
29 theretofore issued and outstanding and all bonds and notes  
30 theretofore issued and outstanding of any municipality constituting  
31 or comprised within any dissolving district which were issued for  
32 the purpose of acquiring property which is vesting on said date in  
33 the regional district shall be and shall constitute obligations of and  
34 payable as to both principal and interest by the regional district,  
35 and, unless otherwise required or provided for by law, in the same  
36 manner and to the same extent as if such bonds and notes had been  
37 issued by the board of the regional district. The regional board  
38 shall cause an audit and settlement of all accounts of officers of the  
39 former district or districts to be made forthwith. The official bonds  
40 of such officers shall be continued in full force and effect until the  
41 completion of such audit and satisfactory financial settlement of  
42 said accounts shall have been made.

43 (cf: P.L.1971, c.377, s.1)

44

45 9. N.J.S.18A:17-6 is amended to read as follows:

46 18A:17-6. The secretary shall, before entering upon the duties of  
47 his office, give bond to the board, not less than \$2,000.00, in an  
48 amount and with surety to be approved by the board, conditioned

1 for the faithful performance of the duties of his office. In a district  
2 which does not have a treasurer of school moneys, if the secretary is  
3 an officer of the municipality constituting the district, and the bond  
4 given by the officer for the faithful performance of the municipal  
5 duties covers and secures the faithful performance of the duties as  
6 secretary, and a certificate of coverage with sufficient amounts of  
7 coverage for both the municipal and board position is certified to  
8 the board, the secretary shall not be required to give additional  
9 bond. The board shall be guided in its determination of the amount  
10 of coverage necessary by a schedule of minimum limits of coverage  
11 promulgated by the State Board of Education. The board may  
12 accept as surety a corporation authorized to be surety under the  
13 laws of this [state] State and may pay the annual premiums or fee  
14 upon said bond as a current expense of the board.  
15 (cf: N.J.S.18A:17-6)

16

17 10. N.J.S.18A:17-8 is amended to read as follows:

18 18A:17-8. The secretary shall be the general accountant of the  
19 board and he shall:20 a. Collect and in a district which does not have a treasurer of  
21 school moneys, deposit tuition fees and other moneys due to the  
22 board [not payable directly to the custodian of school moneys of  
23 the district and transmit the same to such custodian]. In a district  
24 which has a treasurer of school moneys, the secretary shall collect  
25 those fees not payable directly to the treasurer of school moneys of  
26 the district and transmit the same to the treasurer of school moneys;27 b. Examine and audit all accounts and demands against the  
28 board and present the same to the board for its approval in open  
29 meeting, and when payment thereof shall be ordered by the board,  
30 he shall indicate the board's approval upon the same in writing with  
31 the president of the board and present the same for payment  
32 pursuant to N.J.S.18A:19-1 [to the district comptroller, or to the  
33 custodian of school moneys of the district] or, in a district which  
34 has a treasurer of school moneys, to the treasurer; and35 c. Keep and maintain such accounts of the financial transactions  
36 of the district as shall be prescribed by the [state] State board in  
37 accordance with the uniform system of bookkeeping presented by  
38 the [state] State board including a correct detailed account of all  
39 the expenditures of school moneys in the district.

40 (cf: N.J.S.18A:17-8)

41

42 11. N.J.S.18A:17-9 is amended to read as follows:

43 18A:17-9. The chief school administrator or board designee  
44 other than the secretary shall prepare the monthly reconciliation of  
45 bank account statements and in conjunction with the secretary take  
46 any steps necessary to bring the cash record balance and reconciled  
47 bank balance into agreement prior to completion of the secretary's

1 monthly report.

2 The secretary shall:

3 a. Report to the board, at each regular meeting, but not  
4 **[oftener]** more often than once each month, the amount of total  
5 appropriations and the cash receipts for each account, **[and]** the  
6 amount for which warrants have been drawn against each account  
7 **[and]** , the amounts of orders or contractual obligations incurred  
8 and chargeable against each account year to date and since the date  
9 of his last report , the cash and appropriation balances for each  
10 account and fund, and the reconciled bank account balances in the  
11 manner and form prescribed by the commissioner;

12 b. Keep and maintain in his office all contracts, records and  
13 documents belonging to the board, except such as shall be kept by  
14 the treasurer of school moneys pursuant to law, under such  
15 conditions as the board shall prescribe;

16 c. Perform any other duties prescribed by law.

17 (cf: P.L.1981, c.174, s.3)

18

19 12. N.J.S.18A:17-31 is amended to read as follows:

20 18A:17-31. The **[**treasurer of school moneys of each school  
21 district which does not contain more than one municipality shall be  
22 the custodian of the moneys of the municipality unless the board of  
23 education shall designate the tax collector of the municipality;  
24 provided, however, that if both the custodian of moneys of the  
25 municipality and the tax collector of the municipality submit  
26 written notifications to the board that they do not wish to serve as  
27 treasurer of school moneys, the**]** board **[shall]** may appoint any  
28 **[other]** suitable person except a member or employee of the board,  
29 with a term of office fixed by the board as **[such]** the treasurer of  
30 school moneys. **[If the school district contains more than one**  
31 **municipality, the person designated by law as the custodian of the**  
32 **moneys of the constituent municipality having the largest amount of**  
33 **taxable property shall be treasurer of the school moneys of the**  
34 **district unless and until the board shall appoint any other suitable**  
35 **person except a member or employee of the board and fix his term**  
36 **of office.]** Any municipal officer acting or designated as treasurer  
37 of school moneys who ceases to be such officer shall thereupon  
38 cease to be such treasurer.

39 (cf: P.L.1981, c.174, s.4)

40

41 13. N.J.S.18A:17-34 is amended to read as follows:

42 18A:17-34. **[The]** In a district which appoints a treasurer of  
43 school moneys, the treasurer shall receive and hold in trust all  
44 school moneys belonging to the district from whatever source  
45 derived free of any control by the governing body of any  
46 municipality comprised in said district, except such moneys as are  
47 derived from athletic events or other activities of pupil

1 organizations of the district, and he shall, when required by  
2 resolution of the board, deposit the same or such part thereof as  
3 may be designated in any bank or banking institution of this State  
4 designated by it as a depository of school moneys, which may  
5 include the State of New Jersey Cash Management Fund, created  
6 pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4), and  
7 thereafter school moneys shall be deposited only in the depository  
8 or any of the depositories so named and the treasurer shall, upon  
9 depositing the same therein, be relieved from liability for any loss  
10 thereof which may be caused by reason of such deposit.

11 (cf: P.L.1981, c.174, s.7)

12

13 14. N.J.S.18A:19-1 is amended to read as follows:

14 18A:19-1. The money or funds of the board in the custody of the  
15 secretary or treasurer of school moneys shall be expended by [such  
16 treasurer] the secretary or treasurer of school moneys by, and only  
17 by, warrants, each made payable to the order of the person entitled  
18 to receive the amount thereof and specifying the object for which it  
19 is issued, signed by the president and secretary of the board [and by  
20 such treasurer of school moneys] and the chief school administrator  
21 or by the treasurer of school moneys, as appropriate to the district,

22 (a) After audit of the account or demand to be paid, by the  
23 secretary, and after approval by the board, or

24 (b) In accordance with payrolls duly certified as provided by  
25 this title, or

26 (c) For debt service, or

27 (d) When provided by resolution of the board, after audit of the  
28 account or demand to be paid, and approval by a person designated  
29 by the board.

30 (cf: P.L.1982, c.196, s.1)

31

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

33 18A:19-2. No claim or demand against a school district shall be  
34 paid by the [treasurer] secretary or treasurer of school moneys, as  
35 appropriate, unless it is authorized by law and the rules of the board  
36 of education of the district, is fully itemized and verified, has been  
37 duly audited as required by law, has been presented to, and  
38 approved by, the board at a meeting thereof, or presented to, and  
39 approved by, a person designated by the board for that purpose, and  
40 the amount required to pay the same is available for said purpose.

41 (cf: P.L.1982, c.196, s.2)

42

43 16. N.J.S.18A:19-4 is amended to read as follows:

44 18A:19-4. All claims and demands against the board, except  
45 such as are to be paid from funds derived from athletic events or  
46 other activities of pupil organizations, shall, unless otherwise  
47 provided by resolution of the board, be examined, audited and  
48 certified in writing by the secretary and presented by him to the

1 board for its approval at a regularly called meeting, and if found to  
2 be correct, shall be ordered paid by the board, whereupon the  
3 secretary and the president of the board and the chief school  
4 administrator shall issue and sign a warrant in payment therefor.  
5 **【The secretary thereupon shall forward such warrant to the treasurer**  
6 **of school moneys of the district.】** In a district which has a treasurer  
7 of school moneys, the secretary thereupon shall forward the warrant  
8 to the treasurer of school moneys.  
9 (cf: P.L.1982, c.196, s.3)

10

11 17. N.J.S.18A:19-9 is amended to read as follows:

12 18A:19-9. Payment of the compensation of teachers and other  
13 employees may be made on the basis of payrolls certified by the  
14 president and secretary of the board and the chief school  
15 administrator, stating the names and amounts to be paid to each **【,**  
16 and delivered to the treasurer of school moneys with a warrant  
17 made to his order for the full amount of each payroll**】**. In a district  
18 which has a treasurer of school moneys, the payrolls shall be  
19 delivered to the treasurer of school moneys with a warrant made to  
20 his order for the full amount of each payroll.

21 (cf: P.L.1981, c.174, s.13)

22

23 18. N.J.S.18A:19-10 is amended to read as follow:

24 18A:19-10. **【The】** In a district which does not have a treasurer of  
25 school moneys, the 【treasurer】 secretary shall pursuant to  
26 N.J.S.18A:19-1 draw and deposit the warrants in 【a】 separate bank  
27 【account】 accounts as a net payroll account 【and payment】 and  
28 agency account for payroll deductions and associated board  
29 contributions. Payment shall be made to the teachers and others  
30 entitled thereto by individual checks drawn to their respective  
31 orders upon such account and signed by the secretary and a board  
32 designee. In a district which has a treasurer of school moneys, the  
33 treasurer shall deposit the warrants in a separate bank account as a  
34 payroll account and payment shall be made to the teachers and  
35 others entitled thereto by individual checks drawn to their  
36 respective orders upon such account.

37 (cf: P.L.1981, c.174, s.14)

38

39 19. N.J.S.18A:19-12 is amended to read as follows:

40 18A:19-12. When a warrant for the payment of current expenses  
41 of a public school is drawn and issued and there are no funds for  
42 payment of the same, the warrant shall bear legal interest until such  
43 time as the **【treasurer】 secretary or treasurer, as appropriate,** gives  
44 public notice of the fact that funds are provided for the payment  
45 thereof.

46 (cf: P.L.1981, c.174, s.16)

1       20. N.J.S.18A:22-23 is amended to read as follows:

2       18A:22-23. Upon receipt of the certificate, the governing body  
3 of the municipality shall immediately appropriate the sum or sums  
4 for the purpose or purposes and shall raise such sum or sums in the  
5 manner provided by law for the raising of such funds by the  
6 municipality in emergencies, and the raising of the funds required  
7 by such certificate, in such a case, shall be considered an  
8 emergency. Upon raising the funds, the governing body shall cause  
9 the sum or sums to be paid forthwith to the [custodian of school  
10 moneys] secretary or treasurer, as appropriate, of the district for  
11 such purpose or purposes.

12 (cf: N.J.S.18A:22-23)

13

14       21. N.J.S.18A:22-26 is amended to read as follows:

15       18A:22-26. At or after the public hearing but not later than April  
16 8, the board of school estimate of a type II district having a board of  
17 school estimate shall fix and determine by a recorded roll call  
18 majority vote of its full membership the amount of money necessary  
19 to be appropriated for the use of the public schools in the district for  
20 the ensuing school year, exclusive of the amount which shall be  
21 apportioned to it by the commissioner for the year pursuant to the  
22 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall  
23 make a certificate of the amount signed by at least a majority of all  
24 members of the board, which shall be delivered to the board of  
25 education and a copy thereof, certified under oath to be correct and  
26 true by the secretary of the board of school estimate, shall be  
27 delivered to the county board of taxation on or before April 15 in  
28 each year and a duplicate of the certificate shall be delivered to the  
29 board or governing body of each of the municipalities within the  
30 territorial limits of the district having the power to make  
31 appropriations of money raised by taxation in the municipalities or  
32 political subdivisions and to the county superintendent of schools  
33 and the amount shall be assessed, levied and raised under the  
34 procedure and in the manner provided by law for the levying and  
35 raising of special school taxes voted to be raised at an annual or  
36 special election of the legal voters in type II districts and shall be  
37 paid to the board secretary or treasurer of school moneys, as  
38 appropriate, of the district for such purposes.

39       Within 15 days after receiving the certificate the board of  
40 education shall notify the board of school estimate, the governing  
41 body of each municipality within the territorial limits of the school  
42 district, and the commissioner if it intends to appeal to the  
43 commissioner the board of school estimate's determination as to the  
44 amount of money requested pursuant to the provisions of section 5  
45 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for  
46 the use of the public schools of the district for the ensuing school  
47 year.

48 (cf: P.L.1996, c.138, s.56)

1 22. N.J.S.18A:22-44 is amended to read as follows:

2 18A:22-44. The amounts so raised, levied and collected shall be  
3 paid to the **【custodian】** board secretary or treasurer of school  
4 moneys, as appropriate, for the district as other school moneys are  
5 paid and shall be used to pay the principal and interest due upon  
6 any notes which may have been issued in anticipation thereof as  
7 they severally mature and for the purposes so authorized.

8 (cf: N.J.S.18A:22-44)

9

10 23. N.J.S.18A:24-59 is amended to read as follows:

11 18A:24-59. All moneys received for payment of principal and  
12 interest of obligations of a type II school district payable in any  
13 year shall be paid to the secretary or treasurer of school moneys of  
14 the district, as appropriate, who shall deposit them in such bank as  
15 shall be determined by resolution by the board, in order to provide  
16 for the payment thereof.

17 (cf: P.L.1981, c.174, s.17)

18

19 24. N.J.S.18A:29-4 is amended to read as follows:

20 18A:29-4. The commissioner shall direct the **【custodian】** board  
21 secretary or treasurer of school moneys, as appropriate, of any  
22 district to withhold the salary of any teaching staff member of the  
23 district who shall neglect or refuse to perform any duty imposed  
24 upon him by law or by the rules of the **【state】** State board until the  
25 receipt of notice from the commissioner that such teacher has  
26 performed the duty.

27 (cf: N.J.S.18A:29-4)

28

29 25. N.J.S.18A:33-2 is amended to read as follows:

30 18A:33-2. When any school district shall fail to provide such  
31 facilities and courses of study, the county superintendent shall, by  
32 order in writing, approved in writing by the commissioner and  
33 transmitted to the **【custodian】** board secretary or treasurer of school  
34 moneys, as appropriate, of the district, direct **【such custodian】** the  
35 secretary or treasurer to withhold further payments, for the account  
36 of the district, of any moneys theretofore and thereafter received  
37 from **【state】** State aid until such suitable facilities and courses of  
38 study shall be provided, which order shall be effective upon the date  
39 stated by the commissioner in his approval thereof. The county  
40 superintendent shall notify the board of education of the district of  
41 his action with the reasons therefor forthwith.

42 (cf: N.J.S.18A:33-2)

43

44 26. N.J.S.18A:38-19 is amended to read as follows:

45 18A:38-19. Whenever the pupils of any school district are  
46 attending public school in another district, within or without the  
47 State, pursuant to this article, the board of education of the  
48 receiving district shall determine a tuition rate to be paid by the

1 board of education of the sending district to an amount not in excess  
2 of the actual cost per pupil as determined under rules prescribed by  
3 the commissioner and approved by the State board, and such tuition  
4 shall be paid by the **【custodian】** board secretary or treasurer of  
5 school moneys, as appropriate, of the sending district out of any  
6 moneys in his hands available for current expenses of the district  
7 upon order issued by the board of education of the sending district,  
8 signed by its president and secretary, in favor of the **【custodian】**  
9 board secretary or treasurer of school moneys, as appropriate, of the  
10 receiving district.

11 (cf: P.L.2007, c.260, s.61)

12

13 27. N.J.S.18A:39-1.2 is amended to read as follows:

14 18A:39-1.2. Whenever the governing body of a municipality  
15 finds that for safety reasons it is desirable to provide transportation  
16 to and from a school for pupils living within the municipality, other  
17 than those living remote from the school or those physically  
18 handicapped or mentally retarded, the governing body and the board  
19 of education of the district are authorized to enter into a contract  
20 pursuant to the "Interlocal Services Act," P.L.1973, c.208 (C.40:8A-  
21 1 et seq.), under the terms of which the board shall provide such  
22 transportation. Any funds required to be paid by the municipality to  
23 the board of education under such a contract shall be appropriated  
24 by the governing body and paid to the **【custodian】** secretary or  
25 treasurer of school moneys, as appropriate, of the district. The  
26 governing body of the municipality may charge the parents or  
27 guardians of children who are transported for safety reasons in  
28 order to help defray expenses, provided that no charge shall be  
29 imposed on the parent or guardian of any child who meets the  
30 Statewide eligibility standards established by the State Board of  
31 Education for free and reduced price meals under the State school  
32 lunch program. The amount of any charges and the method of  
33 collection shall be specified in the contract between the municipal  
34 governing body and the board of education. Nothing in this section  
35 shall prevent a board of education from providing transportation at  
36 its own expense.

37 (cf: P.L.1995, c.271, s.1)

38

39 28. N.J.S.18A:47-5 is amended to read as follows:

40 18A:47-5. Children who are dependent and delinquent, or who  
41 are habitually truant or incorrigible, or who shall be found by the  
42 court to require special instruction, and who reside in a school  
43 district in which there is no such special school of instruction may  
44 be committed to such a special school of instruction maintained in  
45 another district. The board of education of the receiving district  
46 shall be entitled to collect and receive from the board of education  
47 of the sending district such sum for the tuition and maintenance of  
48 such children as the boards shall agree to, but not in excess of the

1 actual cost per pupil as determined according to rules of the  
2 commissioner approved by the [state] State board. The board of  
3 education of the sending district shall issue an order, payable from  
4 any funds available for current expenses, for such sum in favor of  
5 the [custodian ] secretary or treasurer of school moneys, as  
6 appropriate, of the school district maintaining the school to which  
7 the child shall have been committed.

8 (cf: N.J.S.18A:47-5)

9

10 29. N.J.S.18A:49-3 is amended to read as follows:

11 18A:49-3. When in any school district there shall have been  
12 raised for such purposes, by appropriation and taxation, or by  
13 subscription, or both, a sum which in the judgment of the [state]  
14 State board shall be sufficient for the maintenance in the district of  
15 such an evening school or schools, wherein the course of study or  
16 any changes therein shall have been approved by the [state] State  
17 board, there shall be paid to the [custodian] secretary or treasurer  
18 of school moneys, as appropriate, of the district toward the  
19 maintenance of such evening school or schools, on the order of the  
20 commissioner, an amount equal to that so raised, but not exceeding  
21 the sum of \$5,000.00 in any one year. The amount shall be paid by  
22 the [state] State treasurer on the warrant of the director of the  
23 division of budget and accounting.

24 (cf: N.J.S.18A:49-3)

25

26 30. N.J.S.18A:49-5 is amended to read as follows:

27 18A:49-5. The secretary or treasurer of school moneys, as  
28 appropriate, of the school district shall be the legal custodian of all  
29 funds appropriated, raised, or subscribed for the maintenance of  
30 such evening schools. He shall keep a separate and distinct account  
31 thereof, and shall disburse the moneys on orders signed by the  
32 president and secretary of the board of education and the chief  
33 school administrator or by the treasurer of school moneys, as  
34 appropriate to the district.

35 (cf: P.L.1981, c.174, s.18)

36

37 31. N.J.S.18A:50-5 is amended to read as follows:

38 18A:50-5. The secretary or treasurer of school moneys, as  
39 appropriate, of each school district shall be the legal custodian of all  
40 funds allocated by the board of education and received from tuition  
41 fees or from any other source for the purpose of carrying out a  
42 program of adult education. He shall keep a separate account  
43 thereof and shall disburse the moneys on orders signed by the  
44 president and secretary of the board of education and the chief  
45 school administrator or by the treasurer of school moneys, as  
46 appropriate to the district.

47 (cf: P.L.1981, c.174, s.19)

1       32. N.J.S.18A:54-9 is amended to read as follows:

2       18A:54-9. When any such school other than a full-time day  
3 school shall have been established, there shall be paid to the  
4 **【custodian】** board secretary or treasurer of school moneys, as  
5 appropriate, of the district maintaining the school on the order of  
6 the commissioner, an amount equal to that raised in the district for  
7 the establishment of the school, exclusive of the amount  
8 appropriated for the purchase of land or the erection of a building,  
9 which amount shall be paid by the **【state】** State treasurer on the  
10 warrant of the director of the division of budget and accounting in  
11 the department of the treasury. Annually thereafter there shall be  
12 paid in like manner an amount equal to the amount appropriated by  
13 the district for the current expenses of such schools; but the money  
14 contributed by the **【state】** State for the support and maintenance of  
15 any such school shall not exceed in any one year the sum of  
16 \$10,000.00.

17 (cf: N.J.S.18A:54-9)

18

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

20       18A:55-2. The commissioner shall direct the State treasurer to  
21 withhold funds payable by the State from any district which fails to  
22 obey the law or the rules or directions of the State board or the  
23 commissioner.

24       The executive county superintendent with the approval of the  
25 commissioner may direct the secretary or treasurer of the school  
26 moneys, as appropriate, of a school district to withhold all moneys  
27 received by him from the State treasurer and then remaining in his  
28 hands to the credit to the district, whenever the board of education  
29 of the district, or any officer thereof, or the legal voters of any  
30 school district, or any board or officer of the municipality in which  
31 any such school district is situate, shall neglect or refuse to perform  
32 any duty imposed upon such board, officer, or legal voters by this  
33 title or by the rules of the State board. The secretary or treasurer, as  
34 appropriate, shall withhold such moneys until he shall receive  
35 notice from the county superintendent that the board, officer, or  
36 legal voters have performed such duty.

37 (cf: P.L.1996, c.138, s.82)

38

39       34. R.S.40:3-4 is amended to read as follows:

40       40:3-4. The sinking fund commissions of the several  
41 municipalities, counties and school districts, created and established  
42 in accordance with the provisions of the act entitled "An act  
43 concerning sinking funds and sinking fund commissions," approved  
44 March twenty-ninth, one thousand nine hundred and seventeen  
45 (L.1917, c.212, p.749), are continued. The membership of such  
46 commissions shall be as follows:

47       a. The executive officer of the municipality or county, or the  
48 mayor of municipalities governed by a commission, or the president

1 of the board of education, ex officio; but if such executive officer,  
2 mayor or president does not desire to serve, he may appoint in his  
3 place a member of the governing body, or an official of the  
4 municipality, county or school district, as the case may be. The  
5 term for such appointee in the sinking fund commission shall be  
6 coexistent with the term of such executive officer, mayor or  
7 president or the term of the appointee as a member of the governing  
8 body or as an official, except that it shall terminate upon his ceasing  
9 to be a member of the governing body or to hold such office; and

10 b. The comptroller, or in municipalities which have no  
11 comptroller, the treasurer, or in municipalities governed by a  
12 commission, the director of the department of revenue and finance,  
13 or in counties, the county treasurer, or in school districts, the  
14 **[custodian]** secretary or treasurer of school moneys, as appropriate,  
15 ex officio; and

16 c. In addition three citizens of the municipality, county or  
17 school district, as the case may be, resident taxpayers on real estate,  
18 to be chosen with reference to their qualifications for the conduct  
19 and management of financial affairs who shall not hold any other  
20 office in such municipality, county or school district, as the case  
21 may be, during their term as members of such commission, who  
22 shall be appointed by the mayor, executive officer, or president of  
23 the municipality, county or school district by and with the consent  
24 of the governing body, or by the commission of a municipality  
25 governed by a commission, as the case may be, for a term of three  
26 years to begin on January first. When a vacancy shall occur in the  
27 citizen membership of the commission, it shall be filled for the  
28 unexpired term in the same manner as the original appointment was  
29 made.

30 In municipalities, counties or school districts whose sinking fund  
31 amounts to less than fifty thousand dollars, it shall not be necessary  
32 for the sinking fund commission to be composed of more than three  
33 members, as the governing body thereof shall decide, but if the  
34 sinking fund commission shall in any case be limited to three  
35 members, then the same shall be composed of: the comptroller, or  
36 in municipalities which have no comptroller, the treasurer, or in  
37 municipalities governed by a commission, the director of the  
38 department of revenue and finance, or in counties the county  
39 treasurer, or in school districts, the **[custodian]** secretary or  
40 treasurer of school moneys, as appropriate, ex officio; and two  
41 citizens of the municipality, county or school district, as the case  
42 may be, resident taxpayers on real estate, to be chosen with  
43 reference to their qualifications for the conduct and management of  
44 financial affairs, who shall not hold any other office in such  
45 municipality, county or school district, as the case may be, during  
46 their term as members of such commission, who shall be appointed  
47 by the mayor, executive officer, or president of the municipality,  
48 county or school district, by and with the consent of the governing

1 body, or by the commission of a municipality governed by a  
2 commission, one for a term of one year and one for a term of two  
3 years, and thereafter each citizen member of such commission shall  
4 be appointed for a term of two years to begin January first. When a  
5 vacancy shall occur in the citizen membership of the commission, it  
6 shall be filled for the unexpired term in the same manner as the  
7 original appointment was made. If at any time by reason of the  
8 increase of the amount of the sinking fund to fifty thousand dollars  
9 or more, or if the governing body shall decide to increase the  
10 number of the members of the sinking fund commission to five  
11 members, then the commission shall be constituted as hereinbefore  
12 provided, and in either case the additional citizen member shall be  
13 appointed for such term as will make the term of one citizen  
14 member of the sinking fund commission expire each year, the  
15 appointments thereafter to be for three years.

16 (cf: R.S.40:3-4)

17

18 35. Section 77 of P.L.1947, c.151 (C.52:27BB-77) is amended to  
19 read as follows:

20 77. The local governing body shall cause to be paid to the  
21 county treasurer and to the **[custodian of school funds]** secretary of  
22 the school board, or treasurer of school moneys, as appropriate, at  
23 such time and in such manner as the director may prescribe,  
24 amounts collected from properties on an inactive list, less  
25 reasonable costs of collection, in the proportion that the amounts  
26 levied for State, State school, county and school district purposes,  
27 respectively, during the fiscal year of such collections bore to the  
28 total levy for all purposes upon real and personal property within  
29 the municipality.

30 (cf: P.L.1947, c.151, s.77)

31

32 36. R.S.54:4-75 is amended to read as follows:

33 54:4-75. The governing body of each municipality shall pay over  
34 to the **[custodian]** board secretary or treasurer of school moneys, as  
35 appropriate, in the case of school districts in which appropriations  
36 for school purposes are made by the inhabitants of the school  
37 district, within forty days after the beginning of the school year,  
38 twenty per centum (20%) of the appropriation for local school  
39 purposes, and thereafter, but prior to the last day of the school year,  
40 the balance of the moneys raised in the municipality for school  
41 purposes in such amounts as may from time to time be requested by  
42 the Board of Education, within thirty days after each request. The  
43 Board of Education shall not request any more money at any one  
44 time than shall be required for its expenditures for a period of eight  
45 weeks in advance; provided, however, that the Board of Education  
46 may at any time, but not earlier than fifteen days prior to the  
47 beginning of the school year, request sufficient moneys to meet all  
48 interest and debt redemption charges maturing during the first forty

1 days of the school year. The governing body may make payments  
2 of such moneys in advance of the time and in excess of the amounts  
3 required by this section. Notwithstanding provisions of this section  
4 to the contrary, in those years when the third installment of property  
5 taxes has been determined by the tax collector to be due after  
6 August 10, the installment shall be due no later than five days after  
7 the twenty-fifth day from when the tax bill was mailed or otherwise  
8 delivered pursuant to subsection a. of R.S.54:4-64, but no later than  
9 September 1.  
10 (cf: P.L.2007, c.62, s.37)

11  
12 37. Section 1 of P.L.1945, c.66 (C.54:4A-1) is amended to read  
13 as follows:

14 1. In case the Government of the United States or any agency  
15 thereof shall make contributions in lieu of taxes, the contributions  
16 shall be made and received as follows:

17 In the case of contributions made in lieu of the State school tax,  
18 such contribution shall be made to the Treasurer of the State and  
19 shall be considered as an addition to the State school tax levied  
20 against the county in which the property of the Government of the  
21 United States or any agency thereof is situated for which the in lieu  
22 contribution is made, and shall be apportioned in the same manner  
23 as the State school tax is apportioned.

24 In case of contribution made in lieu of county or county  
25 subdivision taxes, such contribution shall be made to the county  
26 treasurer to be used for such purposes as the tax is used for which  
27 the in lieu payment is made.

28 In case of contribution made in lieu of the local school tax, such  
29 contribution shall be made to the **【custodian】** board secretary or  
30 treasurer of school moneys, as appropriate, of the school district in  
31 which the property is located, for which the in lieu contribution is  
32 made, and to be used for school purposes.

33 In case of contribution made in lieu of municipal or municipal  
34 subdivision purpose taxes, such contribution shall be made to the  
35 treasurer of the municipality to be used for such purposes as the tax  
36 is used for which the in lieu contribution is made.

37 (cf: P.L.1945, c.66, s.1)

38  
39 38. Section 3 of P.L.1945, c.66 (C.54:4A-3) is amended to read  
40 as follows:

41 3. The treasurer, or **【custodian】** board secretary or treasurer of  
42 school moneys, as appropriate, receiving any of the above  
43 contributions in lieu of taxes is authorized to give a receipt therefor.  
44 (cf: P.L.1945, c.66, s.3)

45  
46 39. This act shall take effect immediately.

STATEMENT

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This bill makes the position of treasurer of school moneys optional for a school district. If the district determines not to have a treasurer of school moneys, the duties would be carried out by the board secretary, since many of the secretary's functions already overlap those of the treasurer. Provision is made in the bill for checks to be co-signed by the chief school administrator or a board appointee if the district does not have a treasurer of school moneys, and for the secretary to give bond in such amount and with such surety as the board directs.