

40:54-7.1
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 56

NJSA: 40:54-7.1 (Concerns dissolution of free public libraries)

BILL NO: S1358 (Substituted for A2971)

SPONSOR(S) Pennacchio and others

DATE INTRODUCED: February 6, 2012

COMMITTEE: **ASSEMBLY:** Housing and Local Government
 SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 21, 2013
 SENATE: November 29, 2012

DATE OF APPROVAL: May 9, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Senate Committee Substitute enacted)

S1358

SPONSOR’S STATEMENT: (Begins on page 3 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2971

SPONSOR’S STATEMENT: (Begins on page 4 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR’S PRESS RELEASE ON SIGNING: No

(continued)

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2013, CHAPTER 56, *approved May 9, 2013*
Senate Committee Substitute for
Senate, No. 1358

1 **AN ACT** concerning the dissolution of free public libraries and
2 supplementing chapter 54 of Title 40 of the Revised Statutes.

3

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

6

7 1. a. Any free public library established by referendum
8 pursuant to R.S.40:54-1 et seq., may be dissolved, provided the
9 dissolution is approved by a majority of the legal voters of the
10 municipality, at a general election at which the question of the
11 library's dissolution shall be submitted to a vote by direction of an
12 ordinance adopted for that purpose by the governing body. If said
13 ordinance shall be adopted, a copy thereof shall be filed with the
14 Director of the Division of Local Government Services in the
15 Department of Community Affairs and with the State Librarian.

16 b. The municipal clerk shall cause public notice of such general
17 election to be given by advertisement, signed by the clerk and set
18 up in at least five public places in the municipality for at least 10
19 days previous to the date of such election and published for the
20 same period in two newspapers printed or circulated therein.

21 c. The officer charged with the duty of preparing the ballots for
22 such election shall cause the question to be submitted to be printed
23 on the official ballots for such election in substantially the
24 following form:

25 (1) In counties having county libraries established pursuant to
26 R.S.40:33-4:

27 To vote upon the public question printed below, if in favor
28 thereof mark a cross (X) or plus (+) in the square at the left of the
29 word "YES," and if opposed thereto mark a cross (X) or a plus (+)
30 in the square at the left of the word "NO."
31

[] YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution) and provision made for assessing, levying, and collecting the special tax assessed, levied, and collected to support the county library system entitling the residents of (name of municipality) to receive the same county library assistance services as are received by other municipalities within the county library system?"
[] NO	

1 (2) In counties having county libraries established pursuant to
2 P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et
3 seq.), and in counties having no county libraries established
4 pursuant to R.S.40:33-4:

5 To vote upon the public question printed below, if in favor
6 thereof mark a cross (X) or plus (+) in the square at the left of the
7 word "YES," and if opposed thereto mark a cross (X) or a plus (+)
8 in the square at the left of the word "NO."
9

[] YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution)?"
[] NO	

10

11 (3) If the question presented in paragraph (1) of this subsection
12 regarding municipal libraries in counties having a county library
13 established pursuant to R.S.40:33-4 is approved, the governing
14 body of the municipality shall hold a joint meeting with the library
15 board of trustees and county library governing body as soon as
16 practicable for the purpose of arriving at an agreement as to the
17 implementation of such discontinuance, the use of the library
18 facilities thereafter, the adjustment, apportionment, accounting for,
19 settlement, allowance and satisfaction of the rights and liabilities in
20 or with respect to any property, obligations, or other matters or
21 things connected with the municipal library, and such other matters
22 and things in connection therewith as those governing bodies shall
23 jointly determine. If the governing bodies shall be unable to agree,
24 the matter shall be referred to the Director of the Division of Local
25 Government Services in the Department of Community Affairs for
26 determination.

27 (4) If the question presented in paragraph (2) of this subsection
28 regarding counties having county libraries established pursuant to
29 P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et
30 seq.), and in counties having no county library established pursuant
31 to R.S.40:33-4 is approved, the municipality in which the free
32 public library is located shall assume the assets and liabilities of the
33 free public library upon the date of dissolution; and remaining
34 assets may be anticipated by the municipality as a miscellaneous
35 revenue; provided, however, that the monies shall be used solely
36 and exclusively by the municipality for the purposes of reducing the
37 amount the municipality is required to raise by local property tax
38 levy for municipal purposes. The Director of the Division of Local
39 Government Services in the Department of Community Affairs
40 shall certify that each affected municipality has complied with this
41 section. If the director finds that monies transferred to a
42 municipality under this section are not used by that municipality

1 solely and exclusively to reduce the amount required to be raised by
2 the local property tax levy, then the director shall correct the
3 municipal budget, pursuant to N.J.S.40A:4-86, to ensure that the
4 transferred funds are used for that purpose only.

5 d. The election officers of the municipality shall make a true
6 and correct return of the result of such election in writing, under
7 their hands, and said statement shall be entered at large upon the
8 minutes of the governing body.

9 e. If a majority of the votes so counted shall be in favor of the
10 dissolution of the free public library, the provisions of the question
11 shall be deemed to have been adopted.

12 f. If the question presented in subsection c. of this section is
13 approved, the municipality in which the free public library is
14 located shall assume the assets and liabilities of the free public
15 library upon the date of dissolution, unless other provisions have
16 been made.

17 g. In accordance with R.S.19:3-6, the brief statement
18 interpreting the public question shall be informative, fair, and
19 balanced. The interpretive statement shall not encourage voters to
20 approve or defeat the public question. The interpretive statement
21 shall read as follows:

22

23 "If the voters approve this question, the free public library will
24 be dissolved and the provisions in P.L. , c. (C.) (pending
25 before the Legislature as this bill) shall be followed."

26

27 h. To the extent that any provision in P.L. , c. (C.)
28 (pending before the Legislature as this bill) concerning the
29 dissolution of free public libraries and supplementing chapter 54 of
30 Title 40 of the Revised Statutes conflicts, or is inconsistent, with
31 any other law, including, but not limited to, the initiative and
32 referendum sections of the "Optional Municipal Charter Law,"
33 sections 17-35 through 17-47 of P.L.1950, c.210 (C.40:69A-184
34 through 40:69A-196), or of the "commission form of government
35 law," R.S.40:74-5 through 40:74-19, the provisions of
36 P.L. , c. (C.) (pending before the Legislature as this bill)
37 shall prevail and be controlling.

38

39 2. This act shall take effect immediately.

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44

Concerns dissolution of free public libraries.

SENATE, No. 1358

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Concerns dissolution of free public libraries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/2012)

1 AN ACT concerning the dissolution of free public libraries and
2 supplementing chapter 54 of Title 40 of the Revised Statutes.

3

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

6

7 1. a. Any free public library established by referendum
8 pursuant to R.S.40:54-1 et seq., may be dissolved, provided the
9 dissolution is approved by a majority of the legal voters of the
10 municipality, at an election, general or special, at which the
11 question of the library’s dissolution shall be submitted to a vote by
12 direction of an ordinance adopted for that purpose.

13 b. The municipal clerk shall cause public notice of such general
14 or special election to be given by advertisement, signed by the clerk
15 and set up in at least five public places in the municipality for at
16 least 10 days previous to the date of such election and published for
17 the same period in two newspapers printed or circulated therein.

18 c. The officer charged with the duty of preparing the ballots for
19 such election shall cause the question to be submitted to be printed
20 on the official ballots for such election in substantially the
21 following form:

22

23 To vote upon the public question printed below, if in favor
24 thereof mark a cross (X) or plus (+) in the square at the left of the
25 word “YES,” and if opposed thereto mark a cross (X) or a plus (+)
26 in the square at the left of the word “NO.”

27

28

29 “Shall the free public library in

30

31 [] YES (name of municipality)

32

33 be dissolved, effective..... (date of dissolution)?”

34

35 [] NO

36

37 d. The election officers of the municipality shall make a true
38 and correct return of the result of such election in writing, under
39 their hands, and said statement shall be entered at large upon the
40 minutes of the governing body.

41 e. If a majority of the votes so counted shall be in favor of the
42 dissolution of the free public library, the provisions of the question
43 shall be deemed to have been adopted.

44 f. If the question presented in subsection c. of this section is
45 approved, the municipality in which the free public library is
46 located shall assume the assets and liabilities of the free public
47 library upon the date of dissolution.

1 2.This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill provides a mechanism for the dissolution of municipal
7 free public libraries. This addresses a judicial decision of the
8 Passaic County Superior Court which held there was no mechanism
9 in New Jersey statutory law to facilitate the dissolution of free
10 public libraries. Municipalities may find it cost effective to
11 dissolve their free public library as a result of decreased circulation
12 or a desire to share library services with an adjoining municipality.
13 Under the bill, the governing body could adopt an ordinance
14 requiring the submission of a public question to dissolve the free
15 public library. A public question would then be placed on the ballot
16 in the municipality asking if the library should be dissolved. If the
17 ballot question is approved by a majority of the voters, the library
18 would be dissolved and the municipality would assume the assets
19 and liabilities of the library.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1358**

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2012

The Senate Community and Urban Affairs Committee reports favorably a Senate Committee Substitute for Senate, No. 1358.

This bill provides a mechanism for the dissolution of municipal free public libraries. This addresses a judicial decision of the Passaic County Superior Court which held that there was no mechanism in New Jersey statutory law to facilitate the dissolution of free public libraries. Municipalities may find it cost-effective to dissolve their free public library as a result of decreased circulation or a desire to share library services with an adjoining municipality. Under the bill, the governing body could adopt an ordinance requiring the submission of a public question to dissolve the free public library. A public question would then be placed on the ballot in the municipality asking if the library should be dissolved. If the ballot question is approved by a majority of the voters, the library would be dissolved and the assets and liabilities of the library would be distributed either back to the municipality, to a joint library system, or to a county library system, as agreed upon by the various governing bodies.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1358

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2013

The Assembly Housing and Local Government Committee reports favorably Senate Committee Substitute for Senate Bill No. 1358.

This bill provides a mechanism for the dissolution of municipal free public libraries. This addresses a judicial decision of the Passaic County Superior Court which held that there was no mechanism in New Jersey statutory law to facilitate the dissolution of free public libraries. Municipalities may find it cost-effective to dissolve their free public library as a result of decreased circulation or a desire to participate in the county library system or share library services with an adjoining municipality. Under the bill, the governing body could adopt an ordinance requiring the submission of a public question to dissolve the free public library. A public question would then be placed on the ballot in the municipality asking if the library should be dissolved. If the ballot question is approved by a majority of the voters, the library would be dissolved and the assets and liabilities of the library would be distributed either back to the municipality, to a joint library system, or to a county library system, as agreed upon by the various governing bodies.

ASSEMBLY, No. 2971

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 21, 2012

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman ALBERT COUTINHO

District 29 (Essex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

SYNOPSIS

Concerns dissolution of free public libraries.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/15/2013)

1 AN ACT concerning the dissolution of free public libraries and
2 supplementing chapter 54 of Title 40 of the Revised Statutes.

3

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

6

7 1. a. Any free public library established by referendum
8 pursuant to R.S.40:54-1 et seq., may be dissolved, provided the
9 dissolution is approved by a majority of the legal voters of the
10 municipality, at a general election at which the question of the
11 library's dissolution shall be submitted to a vote by direction of an
12 ordinance adopted for that purpose by the governing body. If said
13 ordinance shall be adopted, a copy thereof shall be filed with the
14 Director of the Division of Local Government Services in the
15 Department of Community Affairs and with the State Librarian.

16 b. The municipal clerk shall cause public notice of such general
17 or special election to be given by advertisement, signed by the clerk
18 and set up in at least five public places in the municipality for at
19 least 10 days previous to the date of such election and published for
20 the same period in two newspapers printed or circulated therein.

21 c. The officer charged with the duty of preparing the ballots for
22 such election shall cause the question to be submitted to be printed
23 on the official ballots for such election in substantially the
24 following form:

25 (1) In counties having county libraries established pursuant to
26 R.S.40:33-4:

27 To vote upon the public question printed below, if in favor
28 thereof mark a cross (X) or plus (+) in the square at the left of the
29 word "YES," and if opposed thereto mark a cross (X) or a plus (+)
30 in the square at the left of the word "NO."

31

[] YES	<p>"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution) and provision made for assessing, levying, and collecting the special tax assessed, levied, and collected to support the county library system entitling the residents of (name of municipality) to receive the same county library assistance services as are received by other municipalities within the county library system?"</p>
[] NO	

32

A2971 COUGHLIN, COUTINHO

1 (2) In counties having county libraries established pursuant to
2 P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et
3 seq.), and in counties having no county libraries established
4 pursuant to R.S.40:33-4:

5 To vote upon the public question printed below, if in favor
6 thereof mark a cross (X) or plus (+) in the square at the left of the
7 word "YES," and if opposed thereto mark a cross (X) or a plus (+)
8 in the square at the left of the word "NO."
9

<input type="checkbox"/> YES	"Shall the free public library established pursuant to R.S.40:54-1 et seq., in (name of municipality) be dissolved, effective (date of dissolution)?"
<input type="checkbox"/> NO	

10

11 (3) If the question presented in paragraph (1) of this subsection
12 regarding municipal libraries in counties having a county library
13 established pursuant to R.S.40:33-4 is approved, the governing
14 body of the municipality shall hold a joint meeting with the library
15 board of trustees and county library governing body as soon as
16 practicable for the purpose of arriving at an agreement as to the
17 implementation of such discontinuance, the use of the library
18 facilities thereafter, the adjustment, apportionment, accounting for,
19 settlement, allowance and satisfaction of the rights and liabilities in
20 or with respect to any property, obligations, or other matters or
21 things connected with the municipal library, and such other matters
22 and things in connection therewith as those governing bodies shall
23 jointly determine. If the governing bodies shall be unable to agree,
24 the matter shall be referred to the Director of the Division of Local
25 Government Services in the Department of Community Affairs for
26 determination.

27 (4) If the question presented in paragraph (2) of this subsection
28 regarding counties having county libraries established pursuant to
29 P.L.1963, c.46 (C.40:33-5.1) or P.L.1977, c.300 (C.40:33-15 et
30 seq.), and in counties having no county library established pursuant
31 to R.S.40:33-4 is approved, the municipality in which the free
32 public library is located shall assume the assets and liabilities of the
33 free public library upon the date of dissolution; and remaining
34 assets may be anticipated by the municipality as a miscellaneous
35 revenue; provided, however, that the monies shall be used solely
36 and exclusively by the municipality for the purposes of reducing the
37 amount the municipality is required to raise by local property tax
38 levy for municipal purposes. The Director of the Division of Local
39 Government Services in the Department of Community Affairs
40 shall certify that each affected municipality has complied with this
41 section. If the director finds that monies transferred to a
42 municipality under this section are not used by that municipality
43 solely and exclusively to reduce the amount required to be raised by

1 the local property tax levy, then the director shall correct the
2 municipal budget, pursuant to N.J.S.40A:4-86, to ensure that the
3 transferred funds are used for that purpose only.

4 d. The election officers of the municipality shall make a true
5 and correct return of the result of such election in writing, under
6 their hands, and said statement shall be entered at large upon the
7 minutes of the governing body.

8 e. If a majority of the votes so counted shall be in favor of the
9 dissolution of the free public library, the provisions of the question
10 shall be deemed to have been adopted.

11 f. If the question presented in subsection c. of this section is
12 approved, the municipality in which the free public library is
13 located shall assume the assets and liabilities of the free public
14 library upon the date of dissolution, unless other provisions have
15 been made.

16 g. In accordance with R.S.19:3-6, the brief statement
17 interpreting the public question shall be informative, fair, and
18 balanced. The interpretive statement shall not encourage voters to
19 approve or defeat the public question. The interpretive statement
20 shall read as follows:

21

22 "If the voters approve this question, the free public library will
23 be dissolved and the provisions in P.L. , c. (C.) (pending
24 before the Legislature as this bill) shall be followed."

25

26 h. To the extent that any provision in P.L. , c. (C.)
27 (pending before the Legislature as this bill) concerning the
28 dissolution of free public libraries and supplementing chapter 54 of
29 Title 40 of the Revised Statutes conflicts, or is inconsistent, with
30 any other law, including, but not limited to, the initiative and
31 referendum sections of the "Optional Municipal Charter Law,"
32 sections 17-35 through 17-47 of P.L.1950, c.210 (C.40:69A-184
33 through 40:69A-196), or of the "commission form of government
34 law," R.S.40:74-5 through 40:74-19, the provisions of P.L. , c.
35 (C.) (pending before the Legislature as this bill) shall prevail
36 and be controlling.

37

38 2. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill provides a mechanism for the dissolution of municipal
44 free public libraries. This addresses a judicial decision of the
45 Passaic County Superior Court which held that there was no
46 mechanism in New Jersey statutory law to facilitate the dissolution
47 of free public libraries. Municipalities may find it cost-effective to
48 dissolve their free public library as a result of decreased circulation

1 or a desire to share library services with an adjoining municipality.
2 Under the bill, the governing body could adopt an ordinance
3 requiring the submission of a public question to dissolve the free
4 public library. A public question would then be placed on the ballot
5 in the municipality asking if the library should be dissolved. If the
6 ballot question is approved by a majority of the voters, the library
7 would be dissolved and the assets and liabilities of the library
8 would be distributed either back to the municipality, to a joint
9 library system, or to a county library system, as agreed upon by the
10 various governing bodies.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2971

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2013

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2971.

This bill provides a mechanism for the dissolution of municipal free public libraries. This addresses a judicial decision of the Passaic County Superior Court which held that there was no mechanism in New Jersey statutory law to facilitate the dissolution of free public libraries. Municipalities may find it cost-effective to dissolve their free public library as a result of decreased circulation or a desire to join the county library system or share library services with an adjoining municipality.

Under the bill, the governing body could adopt an ordinance requiring the submission of a public question to dissolve the free public library. A public question would then be placed on the ballot at a general election asking if the library should be dissolved. If the ballot question is approved by a majority of the voters, the library would be dissolved and the assets and liabilities of the library would be distributed either back to the municipality, to a joint library system, or to a county library system, as agreed upon by the various governing bodies.

As amended by the committee, the technical amendment removes reference to a “special” election.

COMMITTEE AMENDMENTS

The committee amendment to the bill:

- removes reference to a “special” election.

As amended by the committee Assembly, No.2981 is identical to Senate, No.1358 (SCS), also released from committee this day.