

Bill and Sponsors Statement identical to S2113

COMMITTEE STATEMENT:

ASSEMBLY: Yes

Identical to Senate Statement to S2113

SENATE: No

FLOOR AMENDMENT STATEMENTS:

No

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government

Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

SENATE, No. 2113

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 15, 2001

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Bennett

SYNOPSIS

Transfers State Library to Thomas Edison State College.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/27/2001)

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2

1 AN ACT concerning the State Library, amending and supplementing
2 various sections of the statutory law, and repealing section 27 of
3 P.L.1969, c.158 (C.18A:73-42).

4

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

7

8 1. N.J.S.2A:12-6 is amended to read as follows:

9 2A:12-6. The Administrative Director of the Courts is authorized
10 to distribute or cause to be distributed any bound volumes of the New
11 Jersey Reports and the New Jersey Superior Court Reports heretofore
12 or hereafter published and delivered to him, as follows:

13 To each member of the Legislature, one copy of each volume of
14 such reports.

15 To the following named, for official use, to remain the property of
16 the State, the following number of copies of each volume of such
17 reports:

18 a. To the Governor, four copies;

19 b. To the Department of Law and Public Safety, for the Division
20 of Law, four copies; and the Division of Alcoholic Beverage Control,
21 one copy;

22 c. To the Department of the Treasury, for the State Treasurer, one
23 copy; the Division of Taxation, three copies; and the Division of Local
24 Government Services in the Department of Community Affairs, one
25 copy;

26 d. To the Department of State, one copy;

27 e. To the Department of Personnel, one copy;

28 f. To the Department of Banking[, one copy; and the Department
29 of] and Insurance, [one copy] two copies;

30 g. To the Board of Public Utilities in the Department of the
31 Treasury, one copy;

32 h. To the Department of Labor, for the commissioner, one copy;
33 the Division of Workers' Compensation, five copies; the State Board
34 of Mediation, one copy; and the Division of Employment Security,
35 three copies;

36 i. To the Department of Education, for the commissioner, one
37 copy; [and the Division of the State Library, Archives and History, 60
38 copies, five of which shall be deposited in the Law Library, and 55 of
39 which shall be used by the director of the division in sending one copy
40 to the state library of each state and territory of the United States, the
41 same to be in exchange for the law reports of such states and
42 territories sent to said division, which reports shall be deposited in and
43 become part of the collection of the Law Library;]

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.

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- 1 j. To the Department of Transportation, one copy;
- 2 k. To the Department of Human Services, one copy; and the
- 3 Department of Corrections, one copy;
- 4 l. To each judge of the federal courts in and for the district of New
- 5 Jersey, one copy;
- 6 m. To each justice of the Supreme Court, one copy;
- 7 n. To each judge of the Superior Court, one copy;
- 8 o. To the Administrative Director of the Courts, one copy;
- 9 p. To each standing master of the Superior Court, one copy;
- 10 q. (Deleted by amendment, P.L.1983, c.36.)
- 11 r. To the clerk of the Supreme Court, one copy;
- 12 s. To the clerk of the Superior Court, one copy;
- 13 t. (Deleted by amendment, P.L.1983, c.36.)
- 14 u. (Deleted by amendment, P.L.1983, c.36.)
- 15 v. (Deleted by amendment, P.L.1991, c.91.)
- 16 w. (Deleted by amendment, P.L.1991, c.91.)
- 17 x. To each county prosecutor, one copy;
- 18 y. To the Central Management Unit in the Office of Legislative
- 19 Services, one copy;
- 20 z. To each surrogate, one copy;
- 21 aa. To each county clerk, one copy;
- 22 ab. To each sheriff, one copy;
- 23 ac. To Rutgers, The State University, two copies; and the law
- 24 schools, five copies each;
- 25 ad. To the law school of Seton Hall University, five copies;
- 26 ae. To Princeton University, two copies;
- 27 af. To the Library of Congress, four copies;
- 28 ag. To the New Jersey Historical Society, one copy;
- 29 ah. To every library provided by the board of chosen freeholders
- 30 of any county at the courthouse in each county, one copy;
- 31 ai. To the library of every county bar association in this State, one
- 32 copy;
- 33 aj. To each incorporated library association in this State, which has
- 34 a law library at the county seat of the county in which it is located, one
- 35 copy;
- 36 ak. To each judge of the tax court, one copy;
- 37 al. The State Library, 60 copies, five of which shall be deposited
- 38 in the Law Library, and 55 of which shall be used by the State
- 39 Librarian to send one copy to the state library of each state and
- 40 territory of the United States, the same to be in exchange for the law
- 41 reports of such states and territories sent to the State Library, which
- 42 reports shall be deposited in and become part of the collection of the
- 43 Law Library.
- 44 The remaining copies of such reports shall be retained by the
- 45 administrative director for the use of the State and for such further

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1 distribution as he may determine upon.

2 (cf: P.L.1991, c.91, s.29)

3

4 2. N.J.S.18A:4-34 is amended to read as follows:

5 18A:4-34. Each assistant commissioner shall perform such duties
6 in the public school system of the State as may from time to time be
7 assigned to him by the commissioner, which shall include, but need not
8 be limited to, any one or more of the following:

9 a. The supervision of curriculum and instruction;

10 b. The supervision of vocational education;

11 c. The hearing and determination of controversies and disputes
12 which may arise under the school laws, or the rules of the State board,
13 or of the commissioner; and

14 d. The supervision of business and financial matters[; and

15 e. The supervision of the Division of the State Library, Archives
16 and History].

17 (cf: P.L.1977, c.322, s.2)

18

19 3. Section 11 of P.L.1969 c.158 (C.18A:73-26) is amended to read
20 as follows:

21 11. Upon the enactment of P.L. _____, c. _____ (C. _____)(now pending
22 before the Legislature as this bill), Thomas Edison State College shall
23 be responsible for the administration [The Division] of the State
24 Library [, Archives and History in the State Department of Education
25 is continued]. The State Library shall be in, but not of, the
26 Department of State.

27 (cf: P.L.1969, c.158, s.11)

28

29 4. Section 12 of P.L.1969 c.158 (C.18A:73-27) is amended to read
30 as follows:

31 12. The [division] State Library shall consist of [an assistant
32 commissioner] the State Librarian and an advisory council and such
33 other personnel as the [Commissioner of Education] President of
34 Thomas Edison State College may deem necessary for the efficient
35 administration thereof.

36 (cf: P.L.1977, c.322, s.3)

37

38 5. Section 13 of P.L.1969, c.158 (C.18A:73-28) is amended to read
39 as follows:

40 13. There shall be within the [Division of the] State Library[,
41 Archives and History] an advisory council which shall be designated
42 as the Advisory Council of the [Division of the] State Library[,
43 Archives and History]. Such advisory council shall consist of [8]
44 eight members. The [commissioner] President of Thomas Edison
45 State College or the designee thereof shall serve as a member ex

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5

1 officio. The other [7] seven members shall be appointed by the
2 Governor by and with the advice and consent of the Senate for a term
3 of [5] five years, beginning on July 1, and ending June 30, except as
4 hereinafter provided. [The 5 appointed members serving on the
5 effective date of this act shall continue in office for the remainder of
6 the respective terms for which they were appointed. The 2 additional
7 members shall be appointed one for a term ending 4 years and one for
8 a term ending 5 years from the June 30 following the effective date of
9 this act.] Each member shall serve until his successor has been
10 appointed and qualified. In case of a vacancy, however, occurring, the
11 successor shall be appointed in like manner for the unexpired term
12 only. [The State Librarian shall serve in the capacity of the secretary
13 of the council.] The council shall meet at least 4 times a year. It
14 shall frame and modify by-laws for its own government, and elect its
15 chairman and other officers. Any member of the advisory council may
16 be removed from office by the Governor for cause, upon notice and
17 opportunity to be heard.

18 (cf: P.L.1969, c.158, s.13)

19

20 6. Section 15 of P.L.1969, c.158 (C.18A:73-30) is amended to read
21 as follows:

22 15. The members of the advisory council shall serve without
23 compensation, but shall be reimbursed by Thomas Edison State
24 College for necessary expenses incurred in the performance of their
25 duties under this act. The expenses shall be paid from the direct State
26 services portion of the annual appropriation for the State Library.

27 (cf: P.L.1969, c.158, s.15)

28

29 7. Section 16 of P.L.1969, c.158 (C.18A:73-31) is amended to read
30 as follows:

31 16. The advisory council shall give advice and make
32 recommendations to:

33 (a) The [Commissioner of Education] President of Thomas Edison
34 State College with regard to the appointment of the State Librarian;

35 (b) The [Commissioner of Education] President of Thomas Edison
36 State College and the State Librarian with regard to

37 (1) The policies and operations of the [Division of the] State
38 Library[, Archives and History] and the State's library program;

39 (2) The adoption, amendment or rescission of such rules and
40 regulations as may be necessary for the implementation of this act;

41 (3) Minimum standards of library service;

42 (4) The apportionment of State aid to libraries;

43 (5) Contractual arrangements for library services to which the
44 [State Department of Education] State Library is a party.

45 (cf: P.L.1969, c.158, s.16)

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6

1 8. Section 17 of P.L.1969 C.158 (C.18A:73-32) is amended to read
2 as follows:

3 17. The [assistant commissioner for the division shall be the] State
4 Librarian[.

5 The assistant commissioner] shall be a graduate of an accredited
6 university or college and shall, prior to [his] the appointment, have
7 graduated from a school of library service accredited by the American
8 Library Association, and have had at least [4] four years of library
9 experience in a responsible administrative capacity.

10 (cf: P.L.1977, c.322, s.4)

11

12 9. Section 18 of P.L.1969 c.158 (C.18A:73-33) is amended to read
13 as follows:

14 18. The position of State Librarian is hereby established.

15 The President of Thomas Edison State College shall appoint the
16 State Librarian. The State Librarian shall head the [division] State
17 Library and shall, with the approval and under the supervision of [the
18 Commissioner of Education] Thomas Edison State College:

19 (a) Direct and administer the work of the [division] library;

20 (b) Administer all laws which are by their terms included under the
21 jurisdiction of the [division] library;

22 (c) Establish and organize the bureaus therein;

23 (d) Allocate the duties to be performed by the personnel of the
24 State Library and the bureaus established within the library;

25 (e) Prescribe such rules and regulations, not inconsistent with law,
26 as may be necessary to effectuate his powers and duties under this act;

27 (f) Prescribe minimum standards of service for libraries in the State
28 of New Jersey as may be necessary to effectuate [his] the State
29 Librarian's powers under the law.

30 (cf: P.L.1969, c.158, s.18)

31

32 10. Section 6 of P.L.1983, c.486 (C.18A:73-33.1) is amended to
33 read as follows:

34 6. In addition to the duties prescribed in section 18 of P.L.1969,
35 c. 158 (C. 18A:73-33), the State Librarian shall on or before October
36 31 of each year prepare an annual report on the activities of the library
37 network for the preceding year. The report shall be transmitted to the
38 [commissioner] President of Thomas Edison State College who, upon
39 [his] the approval of the report thereby, shall transmit it to [the State
40 Board of Education, and to] the Governor, the Thomas Edison State
41 College Board of Trustees and the Chairman of the [Education] State
42 Government Committee, or successor committee, of each House of the
43 Legislature. The report shall set forth a complete operating and
44 financial statement covering the library network's operation during the
45 preceding year. The report shall also contain such information as may

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1 be necessary to provide an adequate description of the measures taken
2 in the previous year to implement the plan for the library network
3 submitted pursuant to subsection b. of this section, the performance
4 of the library network in accordance with that plan, and an
5 explanation of any changes or additions made in or to that plan during
6 that year.

7 b. ~~【The first report submitted pursuant to subsection a. of this~~
8 ~~section shall contain a plan for the establishment of the library~~
9 ~~network; the designation of library regions; the structure,~~
10 ~~organization, and governance of regional library cooperatives; the~~
11 ~~designation of libraries to provide cooperative library services to the~~
12 ~~library network; and a proposed budget for the first year of the library~~
13 ~~network's operations.】 Deleted by amendment, P.L. _____, c. _____ (now~~
14 ~~pending before the Legislature as this bill).~~

15 (cf: P.L.1983, c.486, s.6)

16

17 11. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
18 read as follows:

19 19. a. ~~The 【Commissioner of Education】 President of Thomas~~
20 ~~Edison State College or the designee thereof~~ shall, with the advice of
21 the State Librarian, appoint all professional staff in the ~~【division】~~
22 ~~library~~, and fix the compensation of all such persons thus appointed.
23 ~~【He】 The President of Thomas Edison State College or the designee~~
24 ~~thereof~~ shall appoint such other personnel as ~~【he】 that person~~ may
25 consider necessary for the efficient performance of the work of the
26 ~~【division】 library~~ and fix their compensation. All persons thus
27 appointed shall be subject to the provisions of Title ~~【11】 11A~~, Civil
28 Service, of the ~~【Revised】 New Jersey Statutes~~.

29 b. ~~For all purposes, the employees of the State Library shall be~~
30 ~~considered employees of Thomas Edison State College.~~

31 c. ~~Thomas Edison State College shall maintain, in a manner~~
32 ~~acceptable to the Department of Personnel, the personnel records of~~
33 ~~all employees and positions currently on staff and funded. All such~~
34 ~~records shall be subject to audit by the Department of Personnel.~~

35 d. ~~The State shall be responsible for paying the entire employer~~
36 ~~contribution of the pension and benefits costs for the State Library~~
37 ~~employees whose salaries are funded from the direct State services~~
38 ~~portion of the annual appropriation for the State Library.~~

39 (cf: P.L.1969, c.158, s.19)

40

41 12. Section 20 of P.L.1969 c. 158 (C.18A:73-35) is amended to
42 read as follows:

43 20. The ~~【division】 State Library~~ shall:

44 (a) Maintain library resources and information services over a broad
45 range of subjects which affect the educational, intellectual, cultural,

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1 economic and political life of the State;

2 (b) Provide special library services for the legislative, executive and
3 judicial branches of State Government, supplemental library service for
4 New Jersey libraries and citizens and direct library service for the
5 handicapped;

6 (c) Purchase or otherwise acquire, and maintain a general collection
7 of books, periodicals, newspapers, maps, slides, films and other library
8 materials for the use of State and local governments, libraries, and the
9 public generally; and exchange, discard, sell, or otherwise dispose of
10 books and library materials as required within the purposes stated
11 herein and all moneys to be secured from such sales shall be paid into
12 the treasury to be used for the benefit of the State Library when
13 appropriated to that purpose;

14 (d) Maintain as part of the State Library, a general reference
15 service; a legislative reference service; a law library service; a
16 documents depository service; an archival service for New Jersey
17 materials; a records management service for State and local
18 governments; a deposit and exchange service for library materials; an
19 interlibrary loan service; an advisory service for public libraries,
20 school libraries, libraries of institutions of higher education, industrial,
21 commercial and other special libraries, State department and agency
22 libraries, and the libraries the State maintains within the institutions
23 carrying out its health, welfare and correctional programs; and a
24 library service for the handicapped; and provide such other services
25 as may be required by law;

26 (e) Preserve the records of the history of New Jersey through its
27 official archives and other materials and promote interest and research
28 in the history of the State;

29 (f) Co-ordinate a State-wide system of libraries in New Jersey, and
30 administer State and Federal programs for the development of
31 libraries, library facilities, library resources and library services in
32 New Jersey, and require such reports as are necessary for the proper
33 administration of its duties and for the gathering and publishing of
34 annual and occasional statistics on libraries in the State;

35 (g) Promote and demonstrate library service throughout the State,
36 and study library problems and needs in New Jersey and make the
37 resultant findings known generally.

38 (cf: P.L.1969, c.158, s.20)

39

40 13. Section 2 of P.L.1983, c.486 (C.18A:73-35b) is amended to
41 read as follows:

42 2. The Legislature finds and declares that promoting cooperation
43 among the various types of libraries in New Jersey will provide this
44 State's residents with full and equal access to library materials and
45 programs not currently available within their communities; that
46 increased cooperation and access will help control the cost of

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1 maintaining local libraries, while providing for improved services; that
2 establishing a library network can best be accomplished by assisting
3 libraries to form cooperatives on a regional basis and by having the
4 [Division of the] State Library[, Archives and History] promote,
5 coordinate and fund such cooperative efforts, as well as provide and
6 coordinate library services on a Statewide basis.

7 (cf: P.L.1986, c.174, s.1)

8

9 14. Section 3 of P.L.1983, c.486 (C.18A:73-35c) is amended to
10 read as follows:

11 3. As used in this act:

12 a. ["Commissioner"] "President" means the [Commissioner of
13 the Department of Education] President of Thomas Edison State
14 College or the designee thereof ;

15 b. ["Division"] "State Library" means the [Division of the State
16 Library, Archives and History in the Department of Education]
17 State's research library and depository for State and federal documents
18 affiliated with Thomas Edison State College;

19 c. "Library" means any library eligible for advisory service from
20 the division as provided in subsection d. of section 20 of P.L.1969, c.
21 158 (C.18A:73-35); any county audiovisual aids center established
22 pursuant to N.J.S. 18A:51-1 et seq.; and any educational
23 [improvement] information and resource center established pursuant
24 to [P.L.1978, c.58 (C. 18A:6-95 et seq.)] P.L.1983, c.486
25 (C.18A:73-35a et seq.);

26 d. "Library region" means a geographic area designated by the
27 State Librarian pursuant to this act within which libraries may establish
28 a regional library cooperative;

29 e. "Library network" means all libraries in all regional library
30 cooperatives, the State Library, and any library providing services to
31 other libraries; and

32 f. "Regional library cooperative" means a membership
33 organization of libraries within a library region which has agreed to
34 provide and receive cooperative library services.

35 (cf: P.L.1983, c.486, s.3)

36

37 15. Section 4 of P.L.1983 , c.486 (C.18A:73-35d) is amended to
38 read as follows:

39 4. In addition to the duties prescribed in section 20 of P.L. 1969,
40 c. 158 (C. 18A:73-35), the [division] State Library shall establish,
41 organize, supervise and fund the library network, as well as provide
42 library services on a regional as well as a Statewide basis. To
43 effectuate the purposes of this act, the [division] State Library shall:

44 a. establish library regions to encompass all of the State's territory; b.
45 provide for the creation, structure, funding, and governance of a

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10

1 regional library cooperative for each library region; c. enter into
2 contracts with any library or service-providing agency to provide
3 cooperative library services to any members of the library network; d.
4 determine the kinds of cooperative services to be provided and
5 received by members of the network; and e. provide direct services to
6 members of the network, on a regional as well as a Statewide basis.
7 (cf: P.L. 1986, c.174, s.2)

8

9 16. Section 8 of P.L.1983, c.486 (C.18A:73-35f) is amended to
10 read as follows:

11 8. To provide an efficient and effective library network in
12 accordance with objectives of this act, no regional library cooperative
13 or any library with which the [division] State Library contracts to
14 provide cooperative services on a regional as well as a Statewide basis
15 to the library network shall participate in any apportionment of State
16 funds pursuant to this act unless it operates in compliance with the
17 rules and regulations which have been, or may be, prescribed by law
18 or promulgated by the [division and approved by the commissioner
19 and the State Board of Education] State Librarian with the approval
20 of the President of Thomas Edison State College.

21 (cf: P.L.1986, c.174, s.4)

22

23 17. Section 9 of P.L.1983, c.486 (C.18A:73-35g) is amended to
24 read as follows:

25 9. On or before November 15 in each year, the State Librarian,
26 with the approval of the [commissioner] President, shall estimate the
27 amount necessary to be appropriated to carry out the provisions of this
28 act for the succeeding fiscal year and shall determine for budget
29 purposes the amount estimated to be payable to each regional library
30 cooperative or library with which the [division] State Library
31 contracts to provide cooperative service to the library network for that
32 year and the amount necessary for supplemental library services
33 provided directly. The amount requested for direct services shall not
34 exceed 20% of the total amount appropriated. The State Librarian
35 shall make such determination for budget purposes upon the basis of
36 appropriations for library network purposes made by the Legislature
37 in the current calendar year.

38 On or before September 15 of each succeeding year, the State
39 Librarian shall make a final determination of the payments to be made
40 under this act.

41 (cf: P.L.1986, c.174, s.5)

42

43 18. Section 8 of P.L.1986, c.174 (C.18A:73-35g1) is amended to
44 read as follows:

45 8. Notwithstanding the provisions of any other law to the contrary,
46 all funds previously appropriated to fund area libraries pursuant to

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1 N.J.S. 18A:74-4 and research library centers pursuant to N.J.S.
2 18A:74-5 are appropriated to the [Division of the] State Library,
3 [Archives and History] for the purpose of funding the library network.

4 In succeeding fiscal years the State Librarian shall make the budget
5 determinations required by section 9 of P.L. 1983, c. 486 (C.
6 18A:73-35g), based on previous appropriations for library network
7 purposes, which shall include the transfer of area library and research
8 library center appropriations made pursuant to this section.
9 (cf: P.L.1986, c.174, s.8)

10

11 19. Section 10 of P.L.1983, c.486 (C.18A:73-35h) is amended to
12 read as follows:

13 10. The sums payable pursuant to this act shall be payable on
14 October 1 following the final determination in each year. Payments
15 shall be made by [the State Treasurer upon certificate of the
16 commissioner and warrant of the Director of the Division of Budget
17 and Accounting] Thomas Edison State College. Payment shall be
18 made to the receiving officer designated by each regional library
19 cooperative, each library with which the division contracts to provide
20 cooperative service to the library network and to the State library for
21 the cost of providing direct Statewide library services to the library
22 network.

23 (cf: P.L.1986, c.174, s.6)

24

25 20. Section 11 of P.L.1983, c.486 (C.18A:73-35i) is amended to
26 read as follows:

27 11. The [division] State Librarian may, with the approval of the
28 [commissioner and the State Board of Education] President,
29 promulgate pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as
31 it deems necessary to effectuate the purposes of this act.

32 (cf: P.L.1983, c.486, s.11)

33

34 21. Section 12 of P.L.1983, c.486 (C.18A:73-35j) is amended to
35 read as follows:

36 12. There shall be appropriated in the first fiscal year following the
37 receipt by the Legislature of the first annual report and in each fiscal
38 year thereafter following the receipt by the Legislature of each
39 subsequent annual report required pursuant to section 6 of [this act]
40 P.L.1983, c.486 (C.18A:73-33.1), such sums as may be necessary for
41 the operations of the library network. If the sums appropriated at any
42 time are insufficient to carry out in full the provisions of this act, the
43 [commissioner with the approval of the State Board of Education]
44 President, with the approval of the Thomas Edison State College
45 Board of Trustees, shall allocate such sums on a pro rata basis. A sum
46 not to exceed 1% of such total or supplemental appropriation for the

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12

1 purposes of this act may be allocated for the administrative cost
2 thereof.

3 (cf: P.L.1983, c.486, s.12)

4

5 22. Section 1 of P.L.1980, c.149 (C.18A:73-35.1) is amended to
6 read as follows:

7 1. The State Librarian may, within the limits of funds appropriated
8 or otherwise made available to the [Division of the] State Library[,
9 Archives and History], purchase the following without advertising for
10 bids: library materials including books, periodicals, newspapers,
11 documents, pamphlets, photographs, reproductions, microfilms,
12 pictorial or graphic works, musical scores, maps, charts, globes, sound
13 recordings, slides, films, filmstrips, video and magnetic tapes, other
14 printed or published matter, and audiovisual and other materials of a
15 similar nature and necessary binding or rebinding of library materials.
16 (cf: P.L.1980, c.149, s.1)

17

18 23. Section 23 of P.L.1969, c.158 (C.18A:73-38) is amended to
19 read as follows:

20 23. The State Library shall be kept open during the normal
21 working hours of State Government and at all times during which the
22 Legislature and the courts of this State and of the United States which
23 sit at Trenton are in session, and at such other times as the State
24 Librarian, with the approval of the [Commissioner of Education]
25 President of Thomas Edison State College, shall prescribe.

26 (cf: P.L.1969, c.158, s.23)

27

28 24. Section 24 of P.L.1969, c.158 (C.18A:73-39) is amended to
29 read as follows:

30 24. [Subject to approval by the State Board of Education, the
31 Commissioner of Education] The President of Thomas Edison State
32 College may apply for and accept on behalf of the State of New Jersey
33 and, through the [Division of the] State Library[, Archives and
34 History], administer for the State, any funds, books and library
35 facilities applicable to public or school library purposes, granted or
36 provided by the Federal Government, or any agency or officer thereof,
37 under or pursuant to any Federal Law heretofore or hereafter enacted
38 authorizing grants to the States for such purposes or for similar
39 purposes.

40 (cf: P.L.1969, c.158, s.24)

41

42 25. Section 25 of P.L.1969, c.158 (C.18A:73-40) is amended to
43 read as follows:

44 25. In the event that under or pursuant to any such Federal law it
45 is required that a State agency be designated to carry out the purpose
46 of such law, including the administration or suspension of

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13

1 administration of any plan or program pursuant thereto, [the State
2 Department of Education] Thomas Edison State College shall be the
3 sole agency in this State for carrying out such purposes. The
4 Governor is hereby authorized to make such designation, and [the
5 State Department of Education] Thomas Edison State College is
6 hereby empowered to act as the sole agency in this State for carrying
7 out such purposes.

8 (cf: P.L.1969, c.158, s.25)

9

10 26. Section 26 of P.L.1969, c.158 (C.18A:73-41) is amended to
11 read as follows:

12 26. [The State Treasurer] Thomas Edison State College shall
13 receive and provide for the proper custody of any funds granted by the
14 Federal Government for such public or school library purposes, under
15 or pursuant to any Federal law. All moneys so received shall be used
16 exclusively for the purposes of any such law. Such moneys shall be
17 expended in the same manner as any funds of the State are expended,
18 upon vouchers certified or approved by the [Commissioner of
19 Education] President of Thomas Edison State College or [his] the
20 duly authorized representative thereof, as provided by law.

21 Thomas Edison State College shall submit to the State Treasurer
22 copies of any final financial status reports submitted to the federal
23 government for grants or other funds received by the college.

24 (cf: P.L.1969, c.158, s.26)

25

26 27. Section 1 of P.L.1985, c.279 (C.18A:74-3.2) is amended to
27 read as follows:

28 1. [The Division of the State Library, Archives and History in the
29 Department of Education, upon the approval of the Commissioner of
30 the Department of Education and the State Board of Education,]
31 Thomas Edison State College shall annually, within the limitations of
32 amounts appropriated by the Legislature, distribute funds pursuant to
33 rules and regulations adopted according to N.J.S. 18A:74-1 et seq.
34 upon certification of the State Library;

35 a. To any municipality which receives State aid pursuant to P.L.
36 1978, c. 14 (C. 52:27D-178 et seq.) and supports, in whole or in part,
37 a municipal library which maintains one or more branch libraries, to
38 assist solely in maintaining, operating and improving those branch
39 libraries to meet community needs;

40 b. To any county or municipality which supports, in whole or in
41 part, library services from county or municipal tax revenues to
42 evaluate and develop the collections of any library receiving such
43 funds; and

44 c. To any library in the State which houses and maintains a
45 collection of historical or special interest, to be used to house, protect,

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1 preserve, repair, restore and maintain the collection.

2 Funds allocated pursuant to this section shall be distributed as
3 grants to qualifying applicants, based on competitive criteria and a
4 selection process established by the [Division of the State Library,
5 Archives and History and approved by the commissioner and State
6 Board of Education] State Library. No rule or regulation shall be
7 adopted nor any application approved nor grant made under this
8 section which creates or implies, by its nature or purpose, a continuing
9 assistance grant or entitlement of indefinite length.

10 (cf: P.L.1985, c.297, s.1)

11

12 28. Section 2 of P.L.1985, c.297 (C.18A:74-3.3) is amended to
13 read as follows:

14 2. [The Division of the State Library, Archives and History, upon
15 the approval of the Commissioner of the Department of Education and
16 the State Board of Education] Thomas Edison State College, after
17 consultation with the State Librarian, shall annually, within the
18 limitations of amounts appropriated by the Legislature, distribute funds
19 pursuant to rules and regulations adopted according to N.J.S.
20 18A:74-1 et seq., for audiovisual public library services.

21 (cf: P.L.1985, c.297, s.2)

22

23 29. Section 3 of P.L.1985, c.297 (C.18A:74-3.4) is amended to
24 read as follows:

25 3. [The Division of the State Library, Archives and History, upon
26 the approval of the Commissioner of the Department of Education and
27 the State Board of Education] Thomas Edison State College, after
28 consultation with the State Librarian, shall annually, within the
29 limitations of amounts appropriated by the Legislature, distribute funds
30 pursuant to rules and regulations adopted according to N.J.S.
31 18A:74-1 et seq., for library services to persons institutionalized in
32 health, mental health, mental retardation, veterans', residential,
33 correctional and other similar facilities which are operated by or under
34 contract to the State or to county or municipal governments.

35 (cf: P.L.1985, c.297, s.3)

36

37 30. Section 1 of P.L.1981, c.225 (C.18A:74-4.1) is amended to
38 read as follows:

39 1. The [Commissioner of Education] Thomas Edison State
40 College, after consultation with the State Librarian, and after
41 consultation with the Commission for the Blind and Visually
42 Impaired, shall purchase and provide to designated area libraries or
43 other public facilities accessible to the blind or visually impaired that
44 may be appropriate an optical scanner, which converts printed
45 materials into synthetic speech for the benefit of the blind and visually
46 impaired. The [commissioner] President of Thomas Edison State

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1 College shall provide for the training of personnel in the proper use of
2 these devices.

3 (cf: P.L.1981, c.225, s.1)

4

5 31. N.J.S.18A:74-6 is amended to read as follows:

6 18A:74-6. There shall be appropriated annually the sum of
7 \$200,000.00 to be distributed by [commissioner upon the approval of
8 the state board] Thomas Edison State College and in accordance with
9 its rules and regulations to meet unforeseeable conditions in any
10 municipality or county, and to encourage the formation and
11 development of larger units of service pursuant to law. The amount
12 of such emergency aid or incentive grant shall be payable by the [state
13 treasurer upon the certification of the commissioner] President of
14 Thomas Edison State College upon certification by the State Librarian.

15 (cf: N.J.S.18A:74-6)

16

17 32. N.J.S.18A:74-7 is amended to read as follows:

18 18A:74-7. On or before November 15 in each year, the
19 [commissioner] State Library shall estimate the amount necessary to
20 be appropriated to carry out the provisions of this chapter for the
21 succeeding fiscal year and shall determine for budget purposes the
22 amount estimated to be payable to each of the counties and
23 municipalities under this chapter for such succeeding year. The
24 [commissioner] State Library shall make such determination for
25 budget purposes upon the basis of the annual appropriations for library
26 purposes for the current calendar year.

27 On or before September 15 of each succeeding year, the
28 [commissioner] State Library shall make [his] the final determination
29 of the payments to be made under this chapter upon the basis of the
30 annual expenditures for library purposes for the preceding calendar
31 year.

32 (cf: N.J.S.18A:74-7)

33

34 33. N.J.S.18A:74-8 is amended to read as follows:

35 18A:74-8. The sums payable as state aid, as finally determined by
36 the [commissioner] State Library shall be payable on October 1
37 following the final determination in each such year. Payments shall be
38 made by the state treasurer upon certificate of the [commissioner]
39 President of Thomas Edison State College, the State Librarian, and
40 warrant of the director of the division of budget and accounting.
41 Payment shall be made to the governing body of each municipality
42 qualifying for aid under this chapter and to the treasurer of each
43 county which supports a regional or county library system, and to the
44 receiving officer designated by each research library center.

45 (cf: N.J.S.18A:74-8)

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16

1 34. N.J.S.18A:74-10 is amended to read as follows:

2 18A:74-10. In order to participate in any apportionment made
3 according to the provisions of this chapter, municipalities and counties
4 shall comply with the regulations and standards which have been, or
5 which may be, prescribed by law or recommended by the advisory
6 council of the [division of the] state library[, archives and history, and
7 approved by the state board] for the operation and improvement of
8 free public libraries to provide efficient and effective library services,
9 to insure public benefit and convenience therefrom and to achieve the
10 objects of this chapter.

11 (cf: N.J.S.18A:74-10)

12

13 35. N.J.S.18A:74-12 is amended to read as follows:

14 18A:74-12. The [commissioner] Department of the Treasury, at
15 the request of the State Librarian, is hereby empowered to withhold
16 any form of state library aid from any municipality, county, or area
17 library which does not comply with the provisions of chapters 33 and
18 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of
19 1947 (C.45:8A-1, et seq.) wherever applicable, or with any rules and
20 regulations duly adopted pursuant to said statutes or this chapter, or
21 which reduces its annual expenditures for library services pursuant to
22 chapters 33 and 54 of Title 40 of the Revised Statutes below the
23 average of those expenditures for normal, recurring, operating costs
24 made during the three years previous to receipt of the first state aid
25 under this chapter.

26 (cf: N.J.S.18A:74-12)

27

28 36. N.J.S.18A:74-13 is amended to read as follows:

29 18A:74-13. There is hereby appropriated for the purposes of this
30 chapter such sums as may be included therefor in any annual or
31 supplemental appropriation. In the event the sums appropriated at any
32 time are insufficient to carry out in full the provisions of this chapter,
33 the [commissioner, with the approval of the state board] State Library
34 shall allocate such sums on the basis of the method of allocation
35 described in this chapter to the extent [that he deems] deemed
36 advisable and practicable. A sum not to exceed 1% of such total
37 annual or supplemental appropriation for the purposes of this chapter
38 may be allocated [by the commissioner] to Thomas Edison State
39 College for the administrative costs thereof.

40 (cf: N.J.S.18A:74-13)

41

42 37. Section 3 of P.L.1973, c.381 (C.18A:74-16) is amended to
43 read as follows:

44 3. For the purposes of this act unless the context clearly indicates
45 otherwise:

46 a. "Act" means the "New Jersey Library Construction Incentive

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17

1 Act."

2 b. "Area" means all or part of one or more political subdivisions
3 of the State of New Jersey.

4 c. "Project," "construction project," "rehabilitation project,"
5 "expansion" or "acquisition," means a project which is eligible for a
6 grant under regulations and standards promulgated under this act.
7 When used alone, "project" means any construction, expansion, or
8 rehabilitation project or acquisition.

9 d. "Public library" means a library that serves free of charges all
10 residents of an area without discrimination and receives its financial
11 support, in whole or in part, from public funds. "Public library" does
12 not include any special-purpose library, such as a law, medical, school
13 or academic library, which are organized to serve a special clientele
14 or purpose.

15 e. "Authorized applicant" means a public library as defined in
16 paragraph d. hereof.

17 f. "Eligible project costs" means costs incurred in a project
18 approved by the [Commissioner of Education] President of Thomas
19 Edison State College, a portion of which may be reimbursed.

20 g. ["Commissioner" means the Commissioner of Education of the
21 State of New Jersey or his designated representative] "President"
22 means the President of Thomas Edison State College.

23 h. "Fiscal year" means the period between July 1 of any calendar
24 year and June 30 of the next succeeding calendar year.
25 (cf: P.L.1973, c.381, s.3)

26
27 38. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to read
28 as follows:

29 4. The administration of this act shall be governed by rules and
30 regulations, recommended by the Advisory Council of the [Division
31 of the] State Library[, Archives and History], and promulgated by
32 [the commissioner] State Librarian with the approval of the State
33 Board of Education] President of Thomas Edison State College.

34 (cf: P.L.1973, c.381, s.4)

35
36 39. Section 5 of P.L.1973, c.381 (C.18A:74-18) is amended to read
37 as follows:

38 5. In order to participate in any grant made according to the
39 provisions of this act, the applicant shall comply with the rules and
40 regulations adopted as provided in section 4 of this act. Application
41 for grants under this act shall be made to the [commissioner]
42 President on forms specified in said rules and regulations.
43 Applications shall be approved by the [commissioner] President in
44 accordance with said rules and regulations. The [commissioner]
45 President is hereby empowered to withhold any grants from any

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18

1 public library which does not comply with said rules and regulations.
2 (cf: P.L.1973, c.381, s.5)

3

4 40. Section 6 of P.L.1973, c.381 (C.18A:74-19) is amended to read
5 as follows:

6 6. The [State] President shall reimburse each authorized applicant
7 whose application has been approved for a portion of its eligible
8 project costs, determined in accordance with the rules and regulations
9 promulgated pursuant to this act.

10 (P.L.1973, c.381, s.6)

11

12 41. Section 7 of P.L.1973, c.381 (C.18A:74-20) is amended to read
13 as follows:

14 7. The following project costs shall be eligible for grants, at the
15 discretion of the [commissioner] President, when incurred after the
16 date of project approval, or after such date as is indicated in
17 paragraphs 3 and 5 of this section:

18 a. Construction of new buildings to be used for public library
19 purposes.

20 b. Expansion, rehabilitation or acquisition of existing buildings to
21 be used for public library purposes.

22 c. Expenses (other than interest and the carrying charge on bonds)
23 related to the acquisition of land on which there is to be construction
24 of new buildings or expansion of existing buildings to be used for
25 public library purposes which are incurred within the [3] three fiscal
26 years preceding the fiscal year in which the project is approved by the
27 [commissioner] President, provided such expenses constitute an
28 actual cost or a transfer of public funds in accordance with the usual
29 procedures generally applicable to all State and local agencies and
30 institutions.

31 d. Site grading and improvement of land on which buildings used
32 for public library purposes are located or are to be located.

33 e. Architectural, engineering, consulting and inspection services
34 related to the specific project for which application for financial
35 assistance is made, provided the costs of such services are incurred
36 within [3] three fiscal years preceding the year in which the project is
37 approved by the [commissioner] President.

38 f. Expenses (other than interest and the carrying charges on bonds)
39 related to the acquisition of existing buildings to be used for public
40 library purposes, provided such expenses constitute an actual cost or
41 a transfer of public funds in accordance with the usual procedures
42 generally applicable to all State and local agencies and institutions.

43 g. Expenses relating to the acquisition and installation of initial
44 equipment to be located in public library facilities, provided by a
45 construction project, including all necessary building fixtures and
46 utilities, office furniture and public library equipment, such as library

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1 shelving and filing equipment, card catalogs, cabinets, circulation
2 desks, reading tables, study carrels, booklifts, elevators and
3 information retrieval devices (but not books or other library materials).
4 (cf: P.L.1973, c.381, s.7)

5
6 42. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to read
7 as follows:

8 8. The [commissioner] President shall require that projects
9 constructed with the use of State funds under this act shall, to the
10 extent appropriate be accessible to and usable by handicapped persons.
11 (cf: P.L.1973, c.381, s.8)

12
13 43. Section 9 of P.L.1973, c.381 (C.18A:74-22) is amended to read
14 as follows:

15 9. Whenever public library facilities, items of equipment or land to
16 which the State has contributed funds under this act are not used for
17 the purposes authorized by the act, the [commissioner] President may
18 require that the State be credited with its proportionate share of the
19 fair market value of such facilities, equipment, or land. All moneys so
20 credited shall be remitted to the Treasurer of the State of New Jersey.
21 In no event, however, may the [commissioner] President require that
22 the State be so credited when such facilities, equipment or land have
23 been used in excess of 20 years for the purposes authorized by this
24 act.
25 (cf: P.L.1973, c.381, s.9)

26
27 44. Section 4 of P.L.1956, c.108 (C.40:9A-4) is amended to read
28 as follows:

29 4. The [Commissioner of Education] State Librarian, subject to the
30 approval of the [State Board of Education] President of Thomas
31 Edison State College, shall formulate and promulgate standards for the
32 said federations of libraries to insure the public convenience in the use
33 of such library services.
34 (cf: P.L.1956, c.108, s.4)

35
36 45. R.S.40:33-6 is amended to read as follows:

37 40:33-6. Upon the adoption of the provisions of this article the
38 board of chosen freeholders may contract with an existing library, or
39 library board, within the county or the library commission of a county
40 library already established and furnishing county library services in
41 another county, for the establishment and maintenance of the county
42 free library in accordance with the provisions of this article and
43 subject to the rules and regulations of the board of chosen
44 freeholders. No independently operated county library shall be
45 established hereafter in any county unless a plan for the financing of
46 the same, indicating the amount annually to be assessed, levied and

1 collected in taxes for the establishment and thereafter for the
2 maintenance, thereof, shall be submitted to, and shall be approved as
3 sufficient by, the head of the [bureau of public and school library
4 services] Library Development Bureau in the [Division of the] State
5 Library[, Archives and History in the Department of Education].
6 (cf: P.L.1950, c.189, s.1)

7

8 46. R.S.40:33-8 is amended to read as follows:

9 40:33-8. The county library commission shall organize by the
10 election of a chairman, and shall adopt rules and regulations for the
11 establishment and maintenance of the county library. It shall employ
12 a librarian, if any, as may be required, who shall hold appropriate
13 certificates issued by the State Board of Examiners and such other
14 employees as it shall deem necessary for the performance of its
15 functions. It may purchase such supplies and equipment and incur
16 such expenses as it may deem necessary to carry out the provisions of
17 this article, but shall not incur expenses or make purchases in any
18 fiscal year from public funds in excess of the appropriation for county
19 library purposes for that year. In addition to its other powers, it may
20 accept gifts, devises, legacies and bequests of property, real and
21 personal, and hold and use the property and income of the same in any
22 manner, which is lawful and consistent with the purpose for which the
23 commission is created, and with the provisions of the conveyance, will
24 or other instrument in or under which such gift, devise, legacy or
25 bequest is made and may dispose of the same subject to the same
26 conditions. It shall make an annual report to the financial officer of
27 the county which shall include a statement setting forth in detail all
28 county appropriations made to the library, other public revenues
29 received by the library, all State aid received by the library, all
30 expenditures made by the library and the balance of funds available.
31 The report shall also include an analysis of the state and condition of
32 the library and shall be sent to the county, governing body and to the
33 [Division of] State Library[, Archives and History in the Department
34 of Education]. The [division] State Librarian, with the approval of
35 the President of Thomas Edison State College, shall prescribe by
36 regulation the form of all such reports.

37 (cf: P.L.1985, c.541, s.4)

38

39 47. Section 6 of P.L.1981, c.489 (C.40:33-13.2i) is amended to
40 read as follows:

41 6. The option for reorganization of the county library system
42 provided in this section shall be known as the "Branch Development
43 Option" and shall govern the county library system of any county
44 whose voters have adopted it pursuant to section 5 of this act.

45 a. The county library commission shall establish a branch of the
46 county library in each municipality: (1) which is a member of the

1 county library system upon the effective date of the reorganization of
2 the system; and (2) in which the municipal governing body adopts a
3 resolution approving the establishment of a branch library. The county
4 library commission may establish a joint branch library for two or
5 more adjacent municipalities upon its determination that the library
6 needs of such municipalities could best be served by a joint branch
7 library, and upon the adoption by the governing bodies of all
8 municipalities to be served thereby of joint resolutions, approving the
9 establishment thereof. A branch library or a joint branch library
10 established pursuant to this act shall conform to all standards
11 promulgated by the [Division of the] State Library[, Archives and
12 History] for branch libraries.

13 b. The county library commission shall assure that all branch or
14 joint branch libraries agreed upon pursuant to subsection a. of this
15 section are operating within [3] three calendar years of the effective
16 date of the reorganization of the county library system.

17 c. Any municipality which has agreed to the establishment of a
18 branch library or joint branch library of the county library shall remain
19 a member of the county library system for at least [5] five years
20 following the effective date of the reorganization of the county library
21 system.

22 d. Any municipality which is a member of the county library system
23 and whose governing body does not approve the establishment of a
24 branch library or a joint branch library shall remain a member of the
25 county library system until such time as it elects to withdraw from the
26 system in the manner provided in chapter 33 of Title 40 of the
27 Revised Statutes. The governing body of such a municipality may, by
28 resolution, request that the county library establish a branch library or
29 a joint branch library at any time following the effective date of the
30 reorganization of the county library system, in the manner provided
31 in subsection a.

32 (cf: P.L.1981, c.489, s.6)

33

34 48. Section 7 of P.L.1981, c.489 (C.40:33-13.2j) is amended to
35 read as follows:

36 7. The option for reorganization of the county library system
37 provided in this section shall be known as the "Service Contract
38 Option" and shall govern the county library system of any county
39 whose voters have adopted it pursuant to section 5 of this act.

40 a. The county library commission shall offer a contract to any of
41 the municipalities identified by the county library study commission in
42 its report to provide such municipalities with sufficient staff and
43 materials to insure compliance with standards promulgated by the
44 [Division of the] State [Library, Archives and History] Librarian,
45 with the approval of the President of Thomas Edison State College,
46 for library service in those municipalities. Municipalities shall accept

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1 or reject such contracts by resolution of the governing body.

2 Any municipality which accepts a contract shall determine an
3 appropriate geographic location within the municipality for the staff
4 and materials provided by the county library.

5 b. Any municipality which rejects a contract pursuant to this
6 section and is a member of the county library system shall remain a
7 member of the system until such time as it elects to withdraw from the
8 system in the manner provided in chapter 33 of Title 40 of the
9 Revised Statutes.

10 (cf: P.L.1981, c.489, s.7)

11

12 49. Section 8 of P.L.1981, c.489 (C.40:33-13.2k) is amended to
13 read as follows:

14 8. The option for reorganization of the county library system
15 provided in this section shall be known as the "Tax Base Sharing
16 Option," and shall be available only to any county in which revenues
17 from the dedicated county library tax established pursuant to R.S.
18 40:33-9 or P.L.1977, c. 300 (C. 40:33-15 et seq.) have been derived
19 from less than 75% of the total assessed property of the county in the
20 calendar year prior to the establishment of the county library study
21 commission. This option shall govern the county library system of any
22 qualified county whose voters have adopted it pursuant to section 5
23 of this act.

24 a. The governing body of the county shall annually determine a
25 sum sufficient to distribute among certain municipalities and the
26 county according to the following formula:

27 $A = CBS + CRS + LRS$ where: A is the total tax pool to be
28 distributed; CBS is the county base share and is determined as
29 $.0000666 \times$ the apportionment valuation of the county; CRS is the
30 county residual share and is determined as $[A-CBS] \times .60$; and LRS
31 is the local residual share and is determined as $[A-CBS] \times .40$.

32 The county base share (CBS) shall be appropriated to the county
33 library which shall receive no funds from the library tax provided for
34 in R.S. 40:33-9 or from the library tax established in P.L.1977, c.300
35 (C.40:33-15 et seq.). The local residual share (LRS) shall be
36 distributed among those municipalities not members of the county
37 library system on January 1, 1982. Each such municipality shall be
38 apportioned an amount of those revenues in a proportion equal to the
39 proportion which that municipality's apportionment valuation is of the
40 apportionment valuation of all such municipalities. Any municipality
41 receiving revenues from the tax base sharing option provided in this
42 section shall appropriate those funds directly to the board of trustees
43 of any library within its borders funded by the municipality in the
44 calendar year prior to the reorganization of the county library system.

45 b. For each year following the reorganization of the county library
46 system, the county library distribution (CBS + CRS) from the formula

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1 established in subsection a. of this section shall not be less than the
2 appropriation made to the county library in the calendar year
3 immediately prior to the reorganization of the county library system;
4 provided, however, that in the first calendar year following the
5 reorganization of the county library system, the county library shall
6 receive an appropriation not less than an amount equal to the
7 appropriation made to the county library in the calendar year preceding
8 the reorganization of the system and not more than an amount equal
9 to the prior year's appropriation plus 10% of that appropriation.

10 In each year following the reorganization of the county library
11 system, the governing body of any municipality not a member of the
12 county library system shall appropriate to any library in the
13 municipality which was funded by the municipality prior to the
14 reorganization of the county library system a sum of money not less
15 than the average appropriation made to such libraries in the [3] three
16 years occurring immediately prior to the reorganization of the county
17 library system. The governing body shall also provide any in-kind
18 benefits or the cash equivalent thereof, which were provided to such
19 libraries during that preceding period.

20 c. The county library shall receive State aid as provided in the
21 "State Library Aid Law" (N.J.S. 18A:74-1 et seq.) based on
22 expenditures from the total appropriation from the tax base sharing
23 option made to the county library and the total resident population of
24 the county. Any library located within a municipality not a member
25 of the county library system shall receive State aid as provided in the
26 "State Library Aid Law" based on expenditures from the total
27 appropriation made to the library from the municipality and from the
28 portion of the local residual share received by the municipality as
29 provided in subsection a. of this section. Any municipality which is
30 a member of the county library system and which supports a library
31 shall receive State aid as provided in the "State Library Aid Law"
32 based on the total appropriation made by the municipality for library
33 purposes.

34 d. The county library shall make all of its patron services available
35 to all residents of the county. For the purpose of this act "patron
36 services" means services rendered by a library directly to patrons as
37 distinguished from those services rendered to other libraries. Patron
38 services shall include circulation of library materials, reference
39 assistance, and public programs.

40 e. A municipality which maintains a municipal public library within
41 the county shall not dissolve its municipal public library for a period
42 of [2] two calendar years from the effective date of the reorganization
43 of the county library system.

44 f. The county library commission may offer a service contract for
45 library services to any municipality within the county for any library
46 services performed by the county library. Any such contracts shall

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24

1 conform to the contracts established in section 7 of this act.

2 g. The county library study commission shall remain in existence
3 for [1] one calendar year after the effective date of such
4 reorganization. It shall be the responsibility of the commission to
5 evaluate the tax base sharing option and to determine if the
6 appropriation for the county library system is sufficient to provide
7 patron services to all residents of the county and that such services
8 are in compliance with standards promulgated by the [Division of the]
9 State Library[, Archives and History] for such libraries. The
10 commission shall make a report of its findings to the county governing
11 body within [1] one calendar year of the reorganization of the county
12 library system.

13 (cf: P.L.1981, c.489, s.8)

14

15 50. Section 11 of P.L.1981, c.489 (C.40:33-13.2n) is amended to
16 read as follows:

17 11. The [Division of the] State [Library, Archives and History]
18 Librarian, with the approval of [the State Board of Education] the
19 President of Thomas Edison State College is authorized to
20 promulgate, pursuant to the "Administrative Procedure Act,"
21 P.L.1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as
22 it deems necessary to effectuate the purposes of this act.

23 (cf: P.L.1981, c.489, s.11)

24

25 51. Section 3 of P.L.1962, c.134 (C.40:33-13.5) is amended to read
26 as follows:

27 3. The regional library agreement may, from time to time, be
28 amended or supplemented by the adoption of similar resolutions by all
29 the boards of chosen freeholders of the participating counties. A copy
30 of the original regional library agreement, of any amendments or
31 supplements thereto and of the resolutions approving such agreement,
32 amendments or supplements shall be filed with the [Commissioner of
33 Education] State Librarian and with the Director of the Division of
34 Local Government.

35 (cf: P.L.1962, c.134, s.3)

36

37 52. Section 12 of P.L.1962, c.134 (C.40:33-13.14) is amended to
38 read as follows:

39 12. The board of trustees may enter into agreements with the
40 governing body of any municipality which is not then served by the
41 regional library to increase or improve the library services available to
42 the residents of said municipality or to the residents of the
43 municipalities then served by the regional library. Any such
44 agreement shall specify the services to be rendered by the regional
45 library and by the municipality and the amount and nature of payment
46 of any consideration for such services. Any municipality may enter

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25

1 into such agreements with the board of trustees for periods of not
2 more than [5] five years and may renew such agreements for like
3 periods.

4 No such agreement shall be concluded (a) without the approval of
5 the boards of chosen freeholders of the counties participating in the
6 regional library and, (b) in the event that the municipality maintains
7 a municipal public library, without the approval of the board of
8 trustees of such library. Such agreement may be amended and
9 supplemented, from time to time, and a copy of such agreement,
10 amendments and supplements, together with resolutions of the board
11 of trustees approving such agreement, amendments and supplements,
12 shall be filed with the [Commissioner of Education] State Librarian
13 and with the Director of the Division of Local Government.

14 (cf: P.L.1962, c.134, s.12)

15

16 53. Section 5 of P.L.1985, c.541 (C.40:54-8.1) is amended to read
17 as follows:

18 5. Any increase in the amount raised by taxation for the municipal
19 library as required by R.S. 40:54-8 shall not exceed the total amount
20 expended by the municipality in the previous year plus 15% of the
21 previous year's total expenditures for the maintenance of a free public
22 library; except that the [director of the Division of] State [Library,
23 Archives and History in the Department of Education] Librarian is
24 authorized to approve additional appropriations to any municipality
25 that requests to appropriate an amount in excess of 15% of the
26 previous year's total library expenditures.

27 (cf: P.L.1985, c.541, s.5)

28

29 54. R.S.40:54-12 is amended to read as follows:

30 40:54-12. The board shall hold in trust and manage all property of
31 the library. It may rent rooms, or, when proper, construct buildings for
32 the use of the library, purchase books, pamphlets, documents, papers
33 and other reading matter, hire librarians, and other necessary
34 personnel, and fix their compensation, make proper rules and
35 regulations for the government of the library, and generally do all
36 things necessary and proper for the establishment and maintenance of
37 the free public library in the municipality. The board may also transfer
38 to and receive from [the deposit and exchange library service of the
39 Bureau of Public and School Library Services, of the Division of the
40 State Library, Archives and History, in the State Department of
41 Education,] other libraries books, magazines, prints, maps and other
42 related library materials for the purpose of augmenting the interlibrary
43 loan service.

44 (cf: P.L.1949, c.98, s.1)

45

46 55. R.S.40:54-15 is amended to read as follows:

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1 40:54-15. The board of trustees shall make an annual report to the
2 chief financial officer of the municipality which shall include a
3 statement setting forth in detail all public revenues received by the
4 library, all State aid received by the library, all expenditures made by
5 the library and the balance of funds available. The annual report shall
6 also include an analysis of the state and condition of the library and
7 shall be sent to the municipal governing body and to the [Division of]
8 State Library[, Archives and History in the Department of Education].
9 The [division] State Librarian shall prescribe by regulation the form
10 of all such reports.

11 (cf: P.L.1985, c.541, s.2)

12

13 56. Section 3 of P.L.1959, c.155 (C.40:54-29.5) is amended to read
14 as follows:

15 3. After the introduction of an ordinance approving such joint
16 library agreement, which may be incorporated by reference therein,
17 such agreement shall be and remain on file for public inspection in the
18 municipal clerk's office from the time of introduction of such
19 ordinance and such ordinance shall so state. A copy of such
20 ordinance and of the joint library agreement shall be filed with [the
21 Commissioner of the Department of Education] State Librarian and
22 the Director of the Division of Local Government. Subsequent
23 amendments and supplements to such ordinance and agreement shall
24 be filed in like manner.

25 (cf: P.L.1959, c.155, s.3)

26

27 57. Section 21 of P.L.1959, c.155 (C.40:54-29.23) is amended to
28 read as follows:

29 21. When such discontinuance has been agreed upon or determined
30 and if the governing body of the municipality proposing such
31 discontinuance shall determine to proceed therewith,

32 (a) such governing body shall introduce an ordinance authorizing
33 and directing the submission to the legal voters the question whether
34 said municipality shall discontinue participation in the joint library
35 pursuant to said agreement or determination, which agreement or
36 determination may be incorporated by reference in said ordinance
37 provided said agreement or determination shall be and remain on file
38 in the office of the municipal clerk for public inspection;

39 (b) if said ordinance shall be adopted, a copy thereof and of said
40 agreement or determination shall be filed with the Director of the
41 Division of Local Government and the [Commissioner of the
42 Department of Education] State Librarian; and

43 (c) the question of such discontinuance shall be submitted to the
44 legal voters of such municipality at the next general election to be held
45 therein not less than 40 days after the adoption of said ordinance, and
46 said agreement or determination shall remain on file in the office of

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1 the municipal clerk for public inspection pending such election.
2 (cf: P.L.1959, c.155, s. 21)

3
4 58. (New section) Unless provided for elsewhere to the contrary,
5 the State Library, with the approval of the President of Thomas Edison
6 State College, may promulgate, pursuant to the Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules as
8 the State Librarian deems necessary for the administration of the State
9 Library.

10
11 59. (New section) The State Library building located at 185 East
12 State Street in Trenton, Mercer County, and the State Library for the
13 Blind and Handicapped, located at 2300 Stuyvesant Avenue in
14 Trenton, Mercer County, shall remain the property of the State of New
15 Jersey. Each building shall be maintained by the Department of
16 Treasury and be entitled to all of the services provided to other State
17 buildings in the Capitol Complex. Any additional costs incurred by the
18 State Library for services at those buildings shall be paid by Thomas
19 Edison State College from the direct State services portion of the
20 annual appropriation for the State Library. The contents of the
21 buildings, including but not limited to the furniture, equipment, State
22 Library collection and library materials, shall be the property of the
23 State of New Jersey, but shall be available to Thomas Edison State
24 College for the use of the State Library and the employees thereof.

25
26 60. (New section) a. The State Treasurer shall disburse to Thomas
27 Edison State College the amount of funds appropriated in the direct
28 State services portion of the annual appropriation for the State
29 Library. The funds shall be paid to the college in four equal
30 installments beginning on July 1 of each year. Thomas Edison State
31 College shall deposit all such funds into separate accounts to be used
32 solely for State Library purposes.

33 b. The State Treasurer shall disburse to Thomas Edison State
34 College the amount of funds appropriated in the State aid portion of
35 the annual appropriation for the State Library. The funds shall be paid
36 to the college on a drawdown schedule to be prepared by Thomas
37 Edison State College and approved by the Office of Management and
38 Budget. Thomas Edison State College shall deposit all such funds into
39 separate accounts to be used solely for State Library purposes.

40 c. Each year, Thomas Edison State College shall prepare and submit
41 to the Office of Management and Budget in the Department of the
42 Treasury a proposed budget for the operation of the State Library
43 during the following fiscal year at the same time that Thomas Edison
44 State College prepares and submits to the Secretary of State for
45 submission to Office of Management and Budget a proposed budget
46 for the operation of the college during the following fiscal year.

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28

1 d. Funds disbursed to Thomas Edison State College for the
2 operations of the State Library, although maintained in separated
3 accounts, shall be considered college funds for all purposes related to
4 purchasing, including for the purposes of the "State College Contracts
5 Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

6 e. Thomas Edison State College is authorized to accept donations
7 on behalf of the State Library and those donated funds shall be
8 maintained in separate accounts to be used solely for State Library
9 purposes.

10 f. Thomas Edison State College shall be entitled to use, solely for
11 State Library purposes, the interest income from any public or private
12 fund established to support the programs and services of the State
13 Library to the extent permitted by law and the terms of the fund.

14 g. Thomas Edison State College shall conduct an independent
15 financial audit of the State Library accounts each year, including
16 accounts that receive federal funds, and shall submit copies of the
17 same to the Department of the Treasury, with the cost of such audits
18 funded from the direct State services portion of the annual
19 appropriation for the State Library.

20 h. Thomas Edison State College shall be responsible for the
21 maintenance of all financial records that involve the operations of the
22 State Library, including those records that relate to federal funds.

23

24 61. (New section) All transfers directed by this act, except as
25 otherwise provided herein, shall be made in accordance with the "State
26 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

27

28 62. Sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and
29 18A:73-42) are repealed.

30

31 63. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 The purpose of this bill is to transfer administrative control of the
37 State Library, together with its functions, powers and duties, to
38 Thomas Edison State College.

39 Prior to 1983, the State Library, together with the State Museum,
40 Bureau of Records Management Services, Archives Section and the
41 New Jersey Historical Commission, were all located in the Department
42 of Education. For the State Library, current statutes reflect this
43 allocation. Pursuant to 1983 reorganization plans, the State Museum,
44 Historical Commission, Bureau of Records Management Services and
45 Archives Section were transferred to the Department of State and the
46 State Library stayed in the Department of Education.

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29

1 In 1996, Governor Whitman issued Executive Reorganization Plan
2 002-1996, which transferred the State Library to the Department of
3 State. At the same time, the Department of State executed a
4 contractual agreement with Thomas Edison State College to
5 administer the daily operations of the State Library. This agreement
6 continues in effect today.

7 The bill amends and supplements current law to reflect both the
8 executive reorganization plan and the contractual agreement.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2113

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 2001

The Senate Education Committee reports favorably and with committee amendments Senate Bill No. 2113.

As amended, this bill transfers administrative control of the State Library, together with its functions, powers and duties, to Thomas Edison State College.

Prior to 1983, the State Library, together with the State Museum, Bureau of Records Management Services, Archives Section and the New Jersey Historical Commission, were all located in the Department of Education. For the State Library, current statutes reflect this allocation. Pursuant to 1983 reorganization plans, the State Museum, Historical Commission, Bureau of Records Management Services and Archives Section were transferred to the Department of State and the State Library stayed in the Department of Education.

In 1996, former Governor Christine Todd Whitman issued Executive Reorganization Plan 002-1996, which transferred the State Library to the Department of State. At the same time, the Department of State executed a contractual agreement with Thomas Edison State College to administer the daily operations of the State Library. This agreement continues in effect today.

The bill amends and supplements current law to reflect both the executive reorganization plan and the contractual agreement.

Under the bill, Thomas Edison State College will be responsible for the administration of the State Library which will be in, but not of, the Department of State. The President of the college is directed to appoint the State Librarian who, with the approval and under the supervision of the college, will direct and administer the work of the library. In addition, the President of the college or a designee, is authorized to appoint all professional staff in the library and such other personnel as necessary for the work of the library. The employees of the library will be considered employees of Thomas Edison State College, but the State is responsible for paying the entire employer contribution of the pension and benefits costs for the employees whose salaries will be funded from the direct State services portion of the annual appropriation for the State Library.

The State Library building, located at 185 East State Street in Trenton, and the State Library for the Blind and Handicapped, located at 2300 Stuyvesant Avenue in Trenton, will remain the property of the State of New Jersey. Each building will be maintained by the Department of Treasury and entitled to all of the services provided to other State buildings in the Capitol Complex. Any additional costs incurred by the State Library for services at those buildings will be paid by Thomas Edison State College from the direct State services portion of the annual appropriation for the State Library.

The bill repeals two sections of the law, one section dealing with joint meetings called by the Commissioner of Education and the other providing for the continuation of the office of the State Librarian under the provisions of the present statute.

Amendments were adopted to include the citation of the second repealed statute in the title of the bill and to omit reference to a deleted paragraph.

[First Reprint]

SENATE, No. 2113

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 15, 2001

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

Co-Sponsored by:

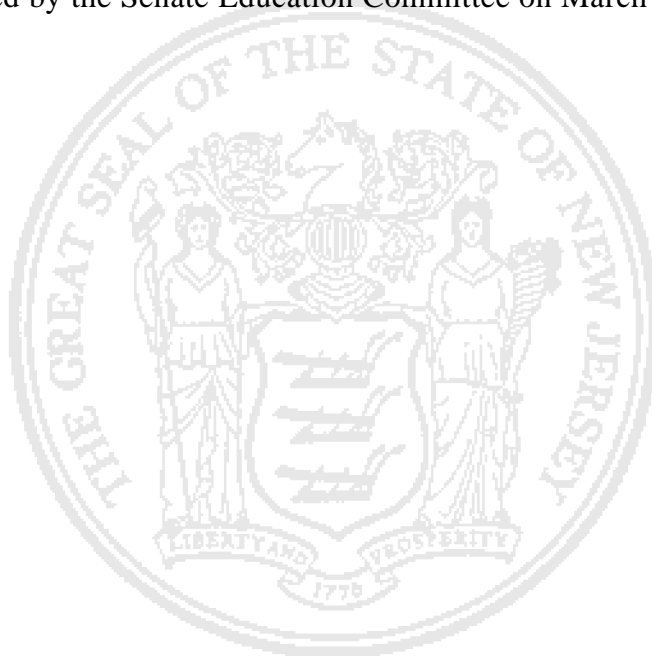
Senator Bennett, Assemblyman Lance and Assemblywoman Heck

SYNOPSIS

Transfers State Library to Thomas Edison State College.

CURRENT VERSION OF TEXT

As reported by the Senate Education Committee on March 15, 2001, with amendments.



(Sponsorship Updated As Of: 6/22/2001)

S2113 [1R] INVERSO, BRYANT

2

1 AN ACT concerning the State Library, amending and supplementing
2 various sections of the statutory law, and repealing ¹[section]
3 sections 14 and¹ 27 of P.L.1969, c.158 (C.¹18A:73-29 and¹
4 18A:73-42).

5

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

8

9 1. N.J.S.2A:12-6 is amended to read as follows:

10 2A:12-6. The Administrative Director of the Courts is authorized
11 to distribute or cause to be distributed any bound volumes of the New
12 Jersey Reports and the New Jersey Superior Court Reports heretofore
13 or hereafter published and delivered to him, as follows:

14 To each member of the Legislature, one copy of each volume of
15 such reports.

16 To the following named, for official use, to remain the property of
17 the State, the following number of copies of each volume of such
18 reports:

19 a. To the Governor, four copies;

20 b. To the Department of Law and Public Safety, for the Division
21 of Law, four copies; and the Division of Alcoholic Beverage Control,
22 one copy;

23 c. To the Department of the Treasury, for the State Treasurer, one
24 copy; the Division of Taxation, three copies; and the Division of Local
25 Government Services in the Department of Community Affairs, one
26 copy;

27 d. To the Department of State, one copy;

28 e. To the Department of Personnel, one copy;

29 f. To the Department of Banking[, one copy; and the Department
30 of] and Insurance, [one copy] two copies;

31 g. To the Board of Public Utilities in the Department of the
32 Treasury, one copy;

33 h. To the Department of Labor, for the commissioner, one copy;
34 the Division of Workers' Compensation, five copies; the State Board
35 of Mediation, one copy; and the Division of Employment Security,
36 three copies;

37 i. To the Department of Education, for the commissioner, one
38 copy; [and the Division of the State Library, Archives and History, 60
39 copies, five of which shall be deposited in the Law Library, and 55 of
40 which shall be used by the director of the division in sending one copy
41 to the state library of each state and territory of the United States, 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted March 15, 2001.

- 1 same to be in exchange for the law reports of such states and
2 territories sent to said division, which reports shall be deposited in and
3 become part of the collection of the Law Library;]
- 4 j. To the Department of Transportation, one copy;
 - 5 k. To the Department of Human Services, one copy; and the
6 Department of Corrections, one copy;
 - 7 l. To each judge of the federal courts in and for the district of New
8 Jersey, one copy;
 - 9 m. To each justice of the Supreme Court, one copy;
 - 10 n. To each judge of the Superior Court, one copy;
 - 11 o. To the Administrative Director of the Courts, one copy;
 - 12 p. To each standing master of the Superior Court, one copy;
 - 13 q. (Deleted by amendment, P.L.1983, c.36.)
 - 14 r. To the clerk of the Supreme Court, one copy;
 - 15 s. To the clerk of the Superior Court, one copy;
 - 16 t. (Deleted by amendment, P.L.1983, c.36.)
 - 17 u. (Deleted by amendment, P.L.1983, c.36.)
 - 18 v. (Deleted by amendment, P.L.1991, c.91.)
 - 19 w. (Deleted by amendment, P.L.1991, c.91.)
 - 20 x. To each county prosecutor, one copy;
 - 21 y. To the Central Management Unit in the Office of Legislative
22 Services, one copy;
 - 23 z. To each surrogate, one copy;
 - 24 aa. To each county clerk, one copy;
 - 25 ab. To each sheriff, one copy;
 - 26 ac. To Rutgers, The State University, two copies; and the law
27 schools, five copies each;
 - 28 ad. To the law school of Seton Hall University, five copies;
 - 29 ae. To Princeton University, two copies;
 - 30 af. To the Library of Congress, four copies;
 - 31 ag. To the New Jersey Historical Society, one copy;
 - 32 ah. To every library provided by the board of chosen freeholders
33 of any county at the courthouse in each county, one copy;
 - 34 ai. To the library of every county bar association in this State, one
35 copy;
 - 36 aj. To each incorporated library association in this State, which has
37 a law library at the county seat of the county in which it is located, one
38 copy;
 - 39 ak. To each judge of the tax court, one copy;
 - 40 al. The State Library, 60 copies, five of which shall be deposited
41 in the Law Library, and 55 of which shall be used by the State
42 Librarian to send one copy to the state library of each state and
43 territory of the United States, the same to be in exchange for the law
44 reports of such states and territories sent to the State Library, which
45 reports shall be deposited in and become part of the collection of the
46 Law Library.

1 The remaining copies of such reports shall be retained by the
2 administrative director for the use of the State and for such further
3 distribution as he may determine upon.

4 (cf: P.L.1991, c.91, s.29)

5
6 2. N.J.S.18A:4-34 is amended to read as follows:

7 18A:4-34. Each assistant commissioner shall perform such duties
8 in the public school system of the State as may from time to time be
9 assigned to him by the commissioner, which shall include, but need not
10 be limited to, any one or more of the following:

11 a. The supervision of curriculum and instruction;

12 b. The supervision of vocational education;

13 c. The hearing and determination of controversies and disputes
14 which may arise under the school laws, or the rules of the State board,
15 or of the commissioner; and

16 d. The supervision of business and financial matters[; and

17 e. The supervision of the Division of the State Library, Archives
18 and History].

19 (cf: P.L.1977, c.322, s.2)

20
21 3. Section 11 of P.L.1969 c.158 (C.18A:73-26) is amended to read
22 as follows:

23 11. Upon the enactment of P.L. _____, c. _____ (C. _____)(now pending
24 before the Legislature as this bill), Thomas Edison State College shall
25 be responsible for the administration [The Division] of the State
26 Library [, Archives and History in the State Department of Education
27 is continued]. The State Library shall be in, but not of, the
28 Department of State.

29 (cf: P.L.1969, c.158, s.11)

30
31 4. Section 12 of P.L.1969 c.158 (C.18A:73-27) is amended to read
32 as follows:

33 12. The [division] State Library shall consist of [an assistant
34 commissioner] the State Librarian and an advisory council and such
35 other personnel as the [Commissioner of Education] President of
36 Thomas Edison State College may deem necessary for the efficient
37 administration thereof.

38 (cf: P.L.1977, c.322, s.3)

39
40 5. Section 13 of P.L.1969, c.158 (C.18A:73-28) is amended to
41 read as follows:

42 13. There shall be within the [Division of the] State Library[,
43 Archives and History] an advisory council which shall be designated
44 as the Advisory Council of the [Division of the] State Library[,
45 Archives and History]. Such advisory council shall consist of [8]

1 eight members. The [commissioner] President of Thomas Edison
2 State College or the designee thereof shall serve as a member ex
3 officio. The other [7] seven members shall be appointed by the
4 Governor by and with the advice and consent of the Senate for a term
5 of [5] five years, beginning on July 1, and ending June 30, except as
6 hereinafter provided. [The 5 appointed members serving on the
7 effective date of this act shall continue in office for the remainder of
8 the respective terms for which they were appointed. The 2 additional
9 members shall be appointed one for a term ending 4 years and one for
10 a term ending 5 years from the June 30 following the effective date of
11 this act.] Each member shall serve until his successor has been
12 appointed and qualified. In case of a vacancy, however, occurring, the
13 successor shall be appointed in like manner for the unexpired term
14 only. [The State Librarian shall serve in the capacity of the secretary
15 of the council.] The council shall meet at least 4 times a year. It
16 shall frame and modify by-laws for its own government, and elect its
17 chairman and other officers. Any member of the advisory council may
18 be removed from office by the Governor for cause, upon notice and
19 opportunity to be heard.

20 (cf: P.L.1969, c.158, s.13)

21

22 6. Section 15 of P.L.1969, c.158 (C.18A:73-30) is amended to
23 read as follows:

24 15. The members of the advisory council shall serve without
25 compensation, but shall be reimbursed by Thomas Edison State
26 College for necessary expenses incurred in the performance of their
27 duties under this act. The expenses shall be paid from the direct State
28 services portion of the annual appropriation for the State Library.

29 (cf: P.L.1969, c.158, s.15)

30

31 7. Section 16 of P.L.1969, c.158 (C.18A:73-31) is amended to
32 read as follows:

33 16. The advisory council shall give advice and make
34 recommendations to:

35 (a) The [Commissioner of Education] President of Thomas Edison
36 State College with regard to the appointment of the State Librarian;

37 (b) The [Commissioner of Education] President of Thomas Edison
38 State College and the State Librarian with regard to

39 (1) The policies and operations of the [Division of the] State
40 Library[, Archives and History] and the State's library program;

41 (2) The adoption, amendment or rescission of such rules and
42 regulations as may be necessary for the implementation of this act;

43 (3) Minimum standards of library service;

44 (4) The apportionment of State aid to libraries;

45 (5) Contractual arrangements for library services to which the

1 [State Department of Education] State Library is a party.

2 (cf: P.L.1969, c.158, s.16)

3

4 8. Section 17 of P.L.1969 C.158 (C.18A:73-32) is amended to
5 read as follows:

6 17. The [assistant commissioner for the division shall be the] State
7 Librarian[.

8 The assistant commissioner] shall be a graduate of an accredited
9 university or college and shall, prior to [his] the appointment, have
10 graduated from a school of library service accredited by the American
11 Library Association, and have had at least [4] four years of library
12 experience in a responsible administrative capacity.

13 (cf: P.L.1977, c.322, s.4)

14

15 9. Section 18 of P.L.1969 c.158 (C.18A:73-33) is amended to read
16 as follows:

17 18. The position of State Librarian is hereby established.

18 The President of Thomas Edison State College shall appoint the
19 State Librarian. The State Librarian shall head the [division] State
20 Library and shall, with the approval and under the supervision of [the
21 Commissioner of Education] Thomas Edison State College:

22 (a) Direct and administer the work of the [division] library;

23 (b) Administer all laws which are by their terms included under the
24 jurisdiction of the [division] library;

25 (c) Establish and organize the bureaus therein;

26 (d) Allocate the duties to be performed by the personnel of the
27 State Library and the bureaus established within the library;

28 (e) Prescribe such rules and regulations, not inconsistent with law,
29 as may be necessary to effectuate his powers and duties under this act;

30 (f) Prescribe minimum standards of service for libraries in the State
31 of New Jersey as may be necessary to effectuate [his] the State
32 Librarian's powers under the law.

33 (cf: P.L.1969, c.158, s.18)

34

35 10. Section 6 of P.L.1983, c.486 (C.18A:73-33.1) is amended to
36 read as follows:

37 6. In addition to the duties prescribed in section 18 of P.L.1969,
38 c.158 (C.18A:73-33), the State Librarian shall on or before October
39 31 of each year prepare an annual report on the activities of the library
40 network for the preceding year. The report shall be transmitted to the
41 [commissioner] President of Thomas Edison State College who, upon
42 [his] the approval of the report thereby, shall transmit it to [the State
43 Board of Education, and to] the Governor, the Thomas Edison State
44 College Board of Trustees and the Chairman of the [Education] State
45 Government Committee, or successor committee, of each House of the

1 Legislature. The report shall set forth a complete operating and
2 financial statement covering the library network's operation during the
3 preceding year. ¹[The report shall also contain such information as
4 may be necessary to provide an adequate description of the measures
5 taken in the previous year to implement the plan for the library
6 network submitted pursuant to subsection b. of this section, the
7 performance of the library network in accordance with that plan, and
8 an explanation of any changes or additions made in or to that plan
9 during that year.]¹

10 b. [The first report submitted pursuant to subsection a. of this
11 section shall contain a plan for the establishment of the library
12 network; the designation of library regions; the structure,
13 organization, and governance of regional library cooperatives; the
14 designation of libraries to provide cooperative library services to the
15 library network; and a proposed budget for the first year of the library
16 network's operations.] Deleted by amendment, P.L. , c. (now
17 pending before the Legislature as this bill).
18 (cf: P.L.1983, c.486, s.6)

19

20 11. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
21 read as follows:

22 19. a. The [Commissioner of Education] President of Thomas
23 Edison State College or the designee thereof shall, with the advice of
24 the State Librarian, appoint all professional staff in the [division]
25 library, and fix the compensation of all such persons thus appointed.
26 [He] The President of Thomas Edison State College or the designee
27 thereof shall appoint such other personnel as [he] that person may
28 consider necessary for the efficient performance of the work of the
29 [division] library and fix their compensation. All persons thus
30 appointed shall be subject to the provisions of Title [11] 11A, Civil
31 Service, of the [Revised] New Jersey Statutes.

32 b. For all purposes, the employees of the State Library shall be
33 considered employees of Thomas Edison State College.

34 c. Thomas Edison State College shall maintain, in a manner
35 acceptable to the Department of Personnel, the personnel records of
36 all employees and positions currently on staff and funded. All such
37 records shall be subject to audit by the Department of Personnel.

38 d. The State shall be responsible for paying the entire employer
39 contribution of the pension and benefits costs for the State Library
40 employees whose salaries are funded from the direct State services
41 portion of the annual appropriation for the State Library.

42 (cf: P.L.1969, c.158, s.19)

43

44 12. Section 20 of P.L.1969 c.158 (C.18A:73-35) is amended to
45 read as follows:

1 20. The [division] State Library shall:

2 (a) Maintain library resources and information services over a broad
3 range of subjects which affect the educational, intellectual, cultural,
4 economic and political life of the State;

5 (b) Provide special library services for the legislative, executive and
6 judicial branches of State Government, supplemental library service for
7 New Jersey libraries and citizens and direct library service for the
8 handicapped;

9 (c) Purchase or otherwise acquire, and maintain a general collection
10 of books, periodicals, newspapers, maps, slides, films and other library
11 materials for the use of State and local governments, libraries, and the
12 public generally; and exchange, discard, sell, or otherwise dispose of
13 books and library materials as required within the purposes stated
14 herein and all moneys to be secured from such sales shall be paid into
15 the treasury to be used for the benefit of the State Library when
16 appropriated to that purpose;

17 (d) Maintain as part of the State Library, a general reference
18 service; a legislative reference service; a law library service; a
19 documents depository service; an archival service for New Jersey
20 materials; a records management service for State and local
21 governments; a deposit and exchange service for library materials; an
22 interlibrary loan service; an advisory service for public libraries,
23 school libraries, libraries of institutions of higher education, industrial,
24 commercial and other special libraries, State department and agency
25 libraries, and the libraries the State maintains within the institutions
26 carrying out its health, welfare and correctional programs; and a
27 library service for the handicapped; and provide such other services
28 as may be required by law;

29 (e) Preserve the records of the history of New Jersey through its
30 official archives and other materials and promote interest and research
31 in the history of the State;

32 (f) Co-ordinate a State-wide system of libraries in New Jersey, and
33 administer State and Federal programs for the development of
34 libraries, library facilities, library resources and library services in
35 New Jersey, and require such reports as are necessary for the proper
36 administration of its duties and for the gathering and publishing of
37 annual and occasional statistics on libraries in the State;

38 (g) Promote and demonstrate library service throughout the State,
39 and study library problems and needs in New Jersey and make the
40 resultant findings known generally.

41 (cf: P.L.1969, c.158, s.20)

42

43 13. Section 2 of P.L.1983, c.486 (C.18A:73-35b) is amended to
44 read as follows:

45 2. The Legislature finds and declares that promoting cooperation
46 among the various types of libraries in New Jersey will provide this

1 State's residents with full and equal access to library materials and
2 programs not currently available within their communities; that
3 increased cooperation and access will help control the cost of
4 maintaining local libraries, while providing for improved services; that
5 establishing a library network can best be accomplished by assisting
6 libraries to form cooperatives on a regional basis and by having the
7 [Division of the] State Library[, Archives and History] promote,
8 coordinate and fund such cooperative efforts, as well as provide and
9 coordinate library services on a Statewide basis.

10 (cf: P.L.1986, c.174, s.1)

11
12 14. Section 3 of P.L.1983, c.486 (C.18A:73-35c) is amended to
13 read as follows:

14 3. As used in this act:

15 a. ["Commissioner"] "President" means the [Commissioner of
16 the Department of Education] President of Thomas Edison State
17 College or the designee thereof ;

18 b. ["Division"] "State Library" means the [Division of the State
19 Library, Archives and History in the Department of Education]
20 State's research library and depository for State and federal documents
21 affiliated with Thomas Edison State College;

22 c. "Library" means any library eligible for advisory service from
23 the division as provided in subsection d. of section 20 of P.L.1969,
24 c.158 (C.18A:73-35); any county audiovisual aids center established
25 pursuant to N.J.S. 18A:51-1 et seq.; and any educational
26 [improvement] information and resource center established pursuant
27 to [P.L.1978, c.58 (C.18A:6-95 et seq.)] P.L.1983, c.486 (C.18A:73-
28 35a et seq.);

29 d. "Library region" means a geographic area designated by the
30 State Librarian pursuant to this act within which libraries may establish
31 a regional library cooperative;

32 e. "Library network" means all libraries in all regional library
33 cooperatives, the State Library, and any library providing services to
34 other libraries; and

35 f. "Regional library cooperative" means a membership organization
36 of libraries within a library region which has agreed to provide and
37 receive cooperative library services.

38 (cf: P.L.1983, c.486, s.3)

39
40 15. Section 4 of P.L.1983 , c.486 (C.18A:73-35d) is amended to
41 read as follows:

42 4. In addition to the duties prescribed in section 20 of P.L.1969,
43 c.158 (C.18A:73-35), the [division] State Library shall establish,
44 organize, supervise and fund the library network, as well as provide
45 library services on a regional as well as a Statewide basis. To

1 effectuate the purposes of this act, the [division] State Library shall:
2 a. establish library regions to encompass all of the State's territory; b.
3 provide for the creation, structure, funding, and governance of a
4 regional library cooperative for each library region; c. enter into
5 contracts with any library or service-providing agency to provide
6 cooperative library services to any members of the library network; d.
7 determine the kinds of cooperative services to be provided and
8 received by members of the network; and e. provide direct services to
9 members of the network, on a regional as well as a Statewide basis.
10 (cf: P.L.1986, c.174, s.2)

11

12 16. Section 8 of P.L.1983, c.486 (C.18A:73-35f) is amended to
13 read as follows:

14 8. To provide an efficient and effective library network in
15 accordance with objectives of this act, no regional library cooperative
16 or any library with which the [division] State Library contracts to
17 provide cooperative services on a regional as well as a Statewide basis
18 to the library network shall participate in any apportionment of State
19 funds pursuant to this act unless it operates in compliance with the
20 rules and regulations which have been, or may be, prescribed by law
21 or promulgated by the [division and approved by the commissioner
22 and the State Board of Education] State Librarian with the approval
23 of the President of Thomas Edison State College.

24 (cf: P.L.1986, c.174, s.4)

25

26 17. Section 9 of P.L.1983, c.486 (C.18A:73-35g) is amended to
27 read as follows:

28 9. On or before November 15 in each year, the State Librarian,
29 with the approval of the [commissioner] President, shall estimate the
30 amount necessary to be appropriated to carry out the provisions of this
31 act for the succeeding fiscal year and shall determine for budget
32 purposes the amount estimated to be payable to each regional library
33 cooperative or library with which the [division] State Library
34 contracts to provide cooperative service to the library network for that
35 year and the amount necessary for supplemental library services
36 provided directly. The amount requested for direct services shall not
37 exceed 20% of the total amount appropriated. The State Librarian
38 shall make such determination for budget purposes upon the basis of
39 appropriations for library network purposes made by the Legislature
40 in the current calendar year.

41 On or before September 15 of each succeeding year, the State
42 Librarian shall make a final determination of the payments to be made
43 under this act.

44 (cf: P.L.1986, c.174, s.5)

45

46 18. Section 8 of P.L.1986, c.174 (C.18A:73-35g1) is amended to

1 read as follows:

2 8. Notwithstanding the provisions of any other law to the contrary,
3 all funds previously appropriated to fund area libraries pursuant to
4 N.J.S.18A:74-4 and research library centers pursuant to
5 N.J.S.18A:74-5 are appropriated to the [Division of the] State
6 Library, [Archives and History] for the purpose of funding the library
7 network.

8 In succeeding fiscal years the State Librarian shall make the budget
9 determinations required by section 9 of P.L.1983, c.486
10 (C.18A:73-35g), based on previous appropriations for library network
11 purposes, which shall include the transfer of area library and research
12 library center appropriations made pursuant to this section.
13 (cf: P.L.1986, c.174, s.8)

14

15 19. Section 10 of P.L.1983, c.486 (C.18A:73-35h) is amended to
16 read as follows:

17 10. The sums payable pursuant to this act shall be payable on
18 October 1 following the final determination in each year. Payments
19 shall be made by [the State Treasurer upon certificate of the
20 commissioner and warrant of the Director of the Division of Budget
21 and Accounting] Thomas Edison State College. Payment shall be
22 made to the receiving officer designated by each regional library
23 cooperative, each library with which the division contracts to provide
24 cooperative service to the library network and to the State library for
25 the cost of providing direct Statewide library services to the library
26 network.

27 (cf: P.L.1986, c.174, s.6)

28

29 20. Section 11 of P.L.1983, c.486 (C.18A:73-35i) is amended to
30 read as follows:

31 11. The [division] State Librarian may, with the approval of the
32 [commissioner and the State Board of Education] President,
33 promulgate pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c. 410 (C.52:14B-1 et seq.), such rules and regulations as
35 it deems necessary to effectuate the purposes of this act.

36 (cf: P.L.1983, c.486, s.11)

37

38 21. Section 12 of P.L.1983, c.486 (C.18A:73-35j) is amended to
39 read as follows:

40 12. There shall be appropriated in the first fiscal year following the
41 receipt by the Legislature of the first annual report and in each fiscal
42 year thereafter following the receipt by the Legislature of each
43 subsequent annual report required pursuant to section 6 of [this act]
44 P.L.1983, c.486 (C.18A:73-33.1), such sums as may be necessary for
45 the operations of the library network. If the sums appropriated at any
46 time are insufficient to carry out in full the provisions of this act, the

1 [commissioner with the approval of the State Board of Education]
2 President, with the approval of the Thomas Edison State College
3 Board of Trustees, shall allocate such sums on a pro rata basis. A sum
4 not to exceed 1% of such total or supplemental appropriation for the
5 purposes of this act may be allocated for the administrative cost
6 thereof.

7 (cf: P.L.1983, c.486, s.12)

8

9 22. Section 1 of P.L.1980, c.149 (C.18A:73-35.1) is amended to
10 read as follows:

11 1. The State Librarian may, within the limits of funds appropriated
12 or otherwise made available to the [Division of the] State Library[,
13 Archives and History], purchase the following without advertising for
14 bids: library materials including books, periodicals, newspapers,
15 documents, pamphlets, photographs, reproductions, microfilms,
16 pictorial or graphic works, musical scores, maps, charts, globes, sound
17 recordings, slides, films, filmstrips, video and magnetic tapes, other
18 printed or published matter, and audiovisual and other materials of a
19 similar nature and necessary binding or rebinding of library materials.
20 (cf: P.L.1980, c.149, s.1)

21

22 23. Section 23 of P.L.1969, c.158 (C.18A:73-38) is amended to
23 read as follows:

24 23. The State Library shall be kept open during the normal
25 working hours of State Government and at all times during which the
26 Legislature and the courts of this State and of the United States which
27 sit at Trenton are in session, and at such other times as the State
28 Librarian, with the approval of the [Commissioner of Education]
29 President of Thomas Edison State College, shall prescribe.

30 (cf: P.L.1969, c.158, s.23)

31

32 24. Section 24 of P.L.1969, c.158 (C.18A:73-39) is amended to
33 read as follows:

34 24. [Subject to approval by the State Board of Education, the
35 Commissioner of Education] The President of Thomas Edison State
36 College may apply for and accept on behalf of the State of New Jersey
37 and, through the [Division of the] State Library[, Archives and
38 History], administer for the State, any funds, books and library
39 facilities applicable to public or school library purposes, granted or
40 provided by the Federal Government, or any agency or officer thereof,
41 under or pursuant to any Federal Law heretofore or hereafter enacted
42 authorizing grants to the States for such purposes or for similar
43 purposes.

44 (cf: P.L.1969, c.158, s.24)

45

46 25. Section 25 of P.L.1969, c.158 (C.18A:73-40) is amended to

1 read as follows:

2 25. In the event that under or pursuant to any such Federal law it
3 is required that a State agency be designated to carry out the purpose
4 of such law, including the administration or suspension of
5 administration of any plan or program pursuant thereto, [the State
6 Department of Education] Thomas Edison State College shall be the
7 sole agency in this State for carrying out such purposes. The
8 Governor is hereby authorized to make such designation, and [the
9 State Department of Education] Thomas Edison State College is
10 hereby empowered to act as the sole agency in this State for carrying
11 out such purposes.

12 (cf: P.L.1969, c.158, s.25)

13

14 26. Section 26 of P.L.1969, c.158 (C.18A:73-41) is amended to
15 read as follows:

16 26. [The State Treasurer] Thomas Edison State College shall
17 receive and provide for the proper custody of any funds granted by the
18 Federal Government for such public or school library purposes, under
19 or pursuant to any Federal law. All moneys so received shall be used
20 exclusively for the purposes of any such law. Such moneys shall be
21 expended in the same manner as any funds of the State are expended,
22 upon vouchers certified or approved by the [Commissioner of
23 Education] President of Thomas Edison State College or [his] the
24 duly authorized representative thereof, as provided by law.

25 Thomas Edison State College shall submit to the State Treasurer
26 copies of any final financial status reports submitted to the federal
27 government for grants or other funds received by the college.

28 (cf: P.L.1969, c.158, s.26)

29

30 27. Section 1 of P.L.1985, c.279 (C.18A:74-3.2) is amended to
31 read as follows:

32 1. [The Division of the State Library, Archives and History in the
33 Department of Education, upon the approval of the Commissioner of
34 the Department of Education and the State Board of Education,]
35 Thomas Edison State College shall annually, within the limitations of
36 amounts appropriated by the Legislature, distribute funds pursuant to
37 rules and regulations adopted according to N.J.S.18A:74-1 et seq.
38 upon certification of the State Library;

39 a. To any municipality which receives State aid pursuant to
40 P.L.1978, c.14 (C.52:27D-178 et seq.) and supports, in whole or in
41 part, a municipal library which maintains one or more branch libraries,
42 to assist solely in maintaining, operating and improving those branch
43 libraries to meet community needs;

44 b. To any county or municipality which supports, in whole or in
45 part, library services from county or municipal tax revenues to

1 evaluate and develop the collections of any library receiving such
2 funds; and

3 c. To any library in the State which houses and maintains a
4 collection of historical or special interest, to be used to house, protect,
5 preserve, repair, restore and maintain the collection.

6 Funds allocated pursuant to this section shall be distributed as
7 grants to qualifying applicants, based on competitive criteria and a
8 selection process established by the [Division of the State Library,
9 Archives and History and approved by the commissioner and State
10 Board of Education] State Library. No rule or regulation shall be
11 adopted nor any application approved nor grant made under this
12 section which creates or implies, by its nature or purpose, a continuing
13 assistance grant or entitlement of indefinite length.

14 (cf: P.L.1985, c.297, s.1)

15

16 28. Section 2 of P.L.1985, c.297 (C.18A:74-3.3) is amended to
17 read as follows:

18 2. [The Division of the State Library, Archives and History, upon
19 the approval of the Commissioner of the Department of Education and
20 the State Board of Education] Thomas Edison State College, after
21 consultation with the State Librarian, shall annually, within the
22 limitations of amounts appropriated by the Legislature, distribute funds
23 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
24 et seq., for audiovisual public library services.

25 (cf: P.L.1985, c.297, s.2)

26

27 29. Section 3 of P.L.1985, c.297 (C.18A:74-3.4) is amended to
28 read as follows:

29 3. [The Division of the State Library, Archives and History, upon
30 the approval of the Commissioner of the Department of Education and
31 the State Board of Education] Thomas Edison State College, after
32 consultation with the State Librarian, shall annually, within the
33 limitations of amounts appropriated by the Legislature, distribute funds
34 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
35 et seq., for library services to persons institutionalized in health,
36 mental health, mental retardation, veterans', residential, correctional
37 and other similar facilities which are operated by or under contract to
38 the State or to county or municipal governments.

39 (cf: P.L.1985, c.297, s.3)

40

41 30. Section 1 of P.L.1981, c.225 (C.18A:74-4.1) is amended to
42 read as follows:

43 1. The [Commissioner of Education] Thomas Edison State
44 College, after consultation with the State Librarian, and after
45 consultation with the Commission for the Blind and Visually
46 Impaired, shall purchase and provide to designated area libraries or

1 other public facilities accessible to the blind or visually impaired that
2 may be appropriate an optical scanner, which converts printed
3 materials into synthetic speech for the benefit of the blind and visually
4 impaired. The [commissioner] President of Thomas Edison State
5 College shall provide for the training of personnel in the proper use of
6 these devices.

7 (cf: P.L.1981, c.225, s.1)

8

9 31. N.J.S.18A:74-6 is amended to read as follows:

10 18A:74-6. There shall be appropriated annually the sum of
11 \$200,000.00 to be distributed by [commissioner upon the approval of
12 the state board] Thomas Edison State College and in accordance with
13 its rules and regulations to meet unforeseeable conditions in any
14 municipality or county, and to encourage the formation and
15 development of larger units of service pursuant to law. The amount
16 of such emergency aid or incentive grant shall be payable by the [state
17 treasurer upon the certification of the commissioner] President of
18 Thomas Edison State College upon certification by the State Librarian.

19 (cf: N.J.S.18A:74-6)

20

21 32. N.J.S.18A:74-7 is amended to read as follows:

22 18A:74-7. On or before November 15 in each year, the
23 [commissioner] State Library shall estimate the amount necessary to
24 be appropriated to carry out the provisions of this chapter for the
25 succeeding fiscal year and shall determine for budget purposes the
26 amount estimated to be payable to each of the counties and
27 municipalities under this chapter for such succeeding year. The
28 [commissioner] State Library shall make such determination for
29 budget purposes upon the basis of the annual appropriations for library
30 purposes for the current calendar year.

31 On or before September 15 of each succeeding year, the
32 [commissioner] State Library shall make [his] the final determination
33 of the payments to be made under this chapter upon the basis of the
34 annual expenditures for library purposes for the preceding calendar
35 year.

36 (cf: N.J.S.18A:74-7)

37

38 33. N.J.S.18A:74-8 is amended to read as follows:

39 18A:74-8. The sums payable as state aid, as finally determined by
40 the [commissioner] State Library shall be payable on October 1
41 following the final determination in each such year. Payments shall be
42 made by the state treasurer upon certificate of the [commissioner]
43 President of Thomas Edison State College, the State Librarian, and
44 warrant of the director of the division of budget and accounting.
45 Payment shall be made to the governing body of each municipality

1 qualifying for aid under this chapter and to the treasurer of each
2 county which supports a regional or county library system, and to the
3 receiving officer designated by each research library center.

4 (cf: N.J.S.18A:74-8)

5

6 34. N.J.S.18A:74-10 is amended to read as follows:

7 18A:74-10. In order to participate in any apportionment made
8 according to the provisions of this chapter, municipalities and counties
9 shall comply with the regulations and standards which have been, or
10 which may be, prescribed by law or recommended by the advisory
11 council of the [division of the] state library[, archives and history, and
12 approved by the state board] for the operation and improvement of
13 free public libraries to provide efficient and effective library services,
14 to insure public benefit and convenience therefrom and to achieve the
15 objects of this chapter.

16 (cf: N.J.S.18A:74-10)

17

18 35. N.J.S.18A:74-12 is amended to read as follows:

19 18A:74-12. The [commissioner] Department of the Treasury, at
20 the request of the State Librarian, is hereby empowered to withhold
21 any form of state library aid from any municipality, county, or area
22 library which does not comply with the provisions of chapters 33 and
23 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of
24 1947 (C.45:8A-1, et seq.) wherever applicable, or with any rules and
25 regulations duly adopted pursuant to said statutes or this chapter, or
26 which reduces its annual expenditures for library services pursuant to
27 chapters 33 and 54 of Title 40 of the Revised Statutes below the
28 average of those expenditures for normal, recurring, operating costs
29 made during the three years previous to receipt of the first state aid
30 under this chapter.

31 (cf: N.J.S.18A:74-12)

32

33 36. N.J.S.18A:74-13 is amended to read as follows:

34 18A:74-13. There is hereby appropriated for the purposes of this
35 chapter such sums as may be included therefor in any annual or
36 supplemental appropriation. In the event the sums appropriated at any
37 time are insufficient to carry out in full the provisions of this chapter,
38 the [commissioner, with the approval of the state board] State Library
39 shall allocate such sums on the basis of the method of allocation
40 described in this chapter to the extent [that he deems] deemed
41 advisable and practicable. A sum not to exceed 1% of such total
42 annual or supplemental appropriation for the purposes of this chapter
43 may be allocated [by the commissioner] to Thomas Edison State
44 College for the administrative costs thereof.

45 (cf: N.J.S.18A:74-13)

1 37. Section 3 of P.L.1973, c.381 (C.18A:74-16) is amended to
2 read as follows:

3 3. For the purposes of this act unless the context clearly indicates
4 otherwise:

5 a. "Act" means the "New Jersey Library Construction Incentive
6 Act."

7 b. "Area" means all or part of one or more political subdivisions
8 of the State of New Jersey.

9 c. "Project," "construction project," "rehabilitation project,"
10 "expansion" or "acquisition," means a project which is eligible for a
11 grant under regulations and standards promulgated under this act.
12 When used alone, "project" means any construction, expansion, or
13 rehabilitation project or acquisition.

14 d. "Public library" means a library that serves free of charges all
15 residents of an area without discrimination and receives its financial
16 support, in whole or in part, from public funds. "Public library" does
17 not include any special-purpose library, such as a law, medical, school
18 or academic library, which are organized to serve a special clientele
19 or purpose.

20 e. "Authorized applicant" means a public library as defined in
21 paragraph d. hereof.

22 f. "Eligible project costs" means costs incurred in a project
23 approved by the [Commissioner of Education] President of Thomas
24 Edison State College, a portion of which may be reimbursed.

25 g. ["Commissioner" means the Commissioner of Education of the
26 State of New Jersey or his designated representative] "President"
27 means the President of Thomas Edison State College.

28 h. "Fiscal year" means the period between July 1 of any calendar
29 year and June 30 of the next succeeding calendar year.

30 (cf: P.L.1973, c.381, s.3)

31

32 38. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to
33 read as follows:

34 4. The administration of this act shall be governed by rules and
35 regulations, recommended by the Advisory Council of the [Division
36 of the] State Library[, Archives and History], and promulgated by
37 [the commissioner] State Librarian with the approval of the State
38 Board of Education] President of Thomas Edison State College.

39 (cf: P.L.1973, c.381, s.4)

40

41 39. Section 5 of P.L.1973, c.381 (C.18A:74-18) is amended to
42 read as follows:

43 5. In order to participate in any grant made according to the
44 provisions of this act, the applicant shall comply with the rules and
45 regulations adopted as provided in section 4 of this act. Application
46 for grants under this act shall be made to the [commissioner]

1 President on forms specified in said rules and regulations.
2 Applications shall be approved by the [commissioner] President in
3 accordance with said rules and regulations. The [commissioner]
4 President is hereby empowered to withhold any grants from any
5 public library which does not comply with said rules and regulations.
6 (cf: P.L.1973, c.381, s.5)

7

8 40. Section 6 of P.L.1973, c.381 (C.18A:74-19) is amended to
9 read as follows:

10 6. The [State] President shall reimburse each authorized applicant
11 whose application has been approved for a portion of its eligible
12 project costs, determined in accordance with the rules and regulations
13 promulgated pursuant to this act.

14 (P.L.1973, c.381, s.6)

15

16 41. Section 7 of P.L.1973, c.381 (C.18A:74-20) is amended to
17 read as follows:

18 7. The following project costs shall be eligible for grants, at the
19 discretion of the [commissioner] President, when incurred after the
20 date of project approval, or after such date as is indicated in
21 paragraphs 3 and 5 of this section:

22 a. Construction of new buildings to be used for public library
23 purposes.

24 b. Expansion, rehabilitation or acquisition of existing buildings to
25 be used for public library purposes.

26 c. Expenses (other than interest and the carrying charge on bonds)
27 related to the acquisition of land on which there is to be construction
28 of new buildings or expansion of existing buildings to be used for
29 public library purposes which are incurred within the [3] three fiscal
30 years preceding the fiscal year in which the project is approved by the
31 [commissioner] President, provided such expenses constitute an
32 actual cost or a transfer of public funds in accordance with the usual
33 procedures generally applicable to all State and local agencies and
34 institutions.

35 d. Site grading and improvement of land on which buildings used
36 for public library purposes are located or are to be located.

37 e. Architectural, engineering, consulting and inspection services
38 related to the specific project for which application for financial
39 assistance is made, provided the costs of such services are incurred
40 within [3] three fiscal years preceding the year in which the project is
41 approved by the [commissioner] President.

42 f. Expenses (other than interest and the carrying charges on bonds)
43 related to the acquisition of existing buildings to be used for public
44 library purposes, provided such expenses constitute an actual cost or
45 a transfer of public funds in accordance with the usual procedures
46 generally applicable to all State and local agencies and institutions.

1 g. Expenses relating to the acquisition and installation of initial
2 equipment to be located in public library facilities, provided by a
3 construction project, including all necessary building fixtures and
4 utilities, office furniture and public library equipment, such as library
5 shelving and filing equipment, card catalogs, cabinets, circulation
6 desks, reading tables, study carrels, booklifts, elevators and
7 information retrieval devices (but not books or other library materials).
8 (cf: P.L.1973, c.381, s.7)

9
10 42. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to
11 read as follows:

12 8. The [commissioner] President shall require that projects
13 constructed with the use of State funds under this act shall, to the
14 extent appropriate be accessible to and usable by handicapped persons.
15 (cf: P.L.1973, c.381, s.8)

16
17 43. Section 9 of P.L.1973, c.381 (C.18A:74-22) is amended to
18 read as follows:

19 9. Whenever public library facilities, items of equipment or land to
20 which the State has contributed funds under this act are not used for
21 the purposes authorized by the act, the [commissioner] President may
22 require that the State be credited with its proportionate share of the
23 fair market value of such facilities, equipment, or land. All moneys so
24 credited shall be remitted to the Treasurer of the State of New Jersey.
25 In no event, however, may the [commissioner] President require that
26 the State be so credited when such facilities, equipment or land have
27 been used in excess of 20 years for the purposes authorized by this
28 act.
29 (cf: P.L.1973, c.381, s.9)

30
31 44. Section 4 of P.L.1956, c.108 (C.40:9A-4) is amended to read
32 as follows:

33 4. The [Commissioner of Education] State Librarian, subject to
34 the approval of the [State Board of Education] President of Thomas
35 Edison State College, shall formulate and promulgate standards for the
36 said federations of libraries to insure the public convenience in the use
37 of such library services.
38 (cf: P.L.1956, c.108, s.4)

39
40 45. R.S.40:33-6 is amended to read as follows:

41 40:33-6. Upon the adoption of the provisions of this article the
42 board of chosen freeholders may contract with an existing library, or
43 library board, within the county or the library commission of a county
44 library already established and furnishing county library services in
45 another county, for the establishment and maintenance of the county
46 free library in accordance with the provisions of this article and

1 subject to the rules and regulations of the board of chosen
2 freeholders. No independently operated county library shall be
3 established hereafter in any county unless a plan for the financing of
4 the same, indicating the amount annually to be assessed, levied and
5 collected in taxes for the establishment and thereafter for the
6 maintenance, thereof, shall be submitted to, and shall be approved as
7 sufficient by, the head of the [bureau of public and school library
8 services] Library Development Bureau in the [Division of the] State
9 Library[, Archives and History in the Department of Education].
10 (cf: P.L.1950, c.189, s.1)

11

12 46. R.S.40:33-8 is amended to read as follows:

13 40:33-8. The county library commission shall organize by the
14 election of a chairman, and shall adopt rules and regulations for the
15 establishment and maintenance of the county library. It shall employ
16 a librarian, if any, as may be required, who shall hold appropriate
17 certificates issued by the State Board of Examiners and such other
18 employees as it shall deem necessary for the performance of its
19 functions. It may purchase such supplies and equipment and incur
20 such expenses as it may deem necessary to carry out the provisions of
21 this article, but shall not incur expenses or make purchases in any
22 fiscal year from public funds in excess of the appropriation for county
23 library purposes for that year. In addition to its other powers, it may
24 accept gifts, devises, legacies and bequests of property, real and
25 personal, and hold and use the property and income of the same in any
26 manner, which is lawful and consistent with the purpose for which the
27 commission is created, and with the provisions of the conveyance, will
28 or other instrument in or under which such gift, devise, legacy or
29 bequest is made and may dispose of the same subject to the same
30 conditions. It shall make an annual report to the financial officer of
31 the county which shall include a statement setting forth in detail all
32 county appropriations made to the library, other public revenues
33 received by the library, all State aid received by the library, all
34 expenditures made by the library and the balance of funds available.
35 The report shall also include an analysis of the state and condition of
36 the library and shall be sent to the county, governing body and to the
37 [Division of] State Library[, Archives and History in the Department
38 of Education]. The [division] State Librarian, with the approval of
39 the President of Thomas Edison State College, shall prescribe by
40 regulation the form of all such reports.

41 (cf: P.L.1985, c.541, s.4)

42

43 47. Section 6 of P.L.1981, c.489 (C.40:33-13.2i) is amended to
44 read as follows:

45 6. The option for reorganization of the county library system
46 provided in this section shall be known as the "Branch Development

1 Option" and shall govern the county library system of any county
2 whose voters have adopted it pursuant to section 5 of this act.

3 a. The county library commission shall establish a branch of the
4 county library in each municipality: (1) which is a member of the
5 county library system upon the effective date of the reorganization of
6 the system; and (2) in which the municipal governing body adopts a
7 resolution approving the establishment of a branch library. The county
8 library commission may establish a joint branch library for two or
9 more adjacent municipalities upon its determination that the library
10 needs of such municipalities could best be served by a joint branch
11 library, and upon the adoption by the governing bodies of all
12 municipalities to be served thereby of joint resolutions, approving the
13 establishment thereof. A branch library or a joint branch library
14 established pursuant to this act shall conform to all standards
15 promulgated by the [Division of the] State Library[, Archives and
16 History] for branch libraries.

17 b. The county library commission shall assure that all branch or
18 joint branch libraries agreed upon pursuant to subsection a. of this
19 section are operating within [3] three calendar years of the effective
20 date of the reorganization of the county library system.

21 c. Any municipality which has agreed to the establishment of a
22 branch library or joint branch library of the county library shall remain
23 a member of the county library system for at least [5] five years
24 following the effective date of the reorganization of the county library
25 system.

26 d. Any municipality which is a member of the county library system
27 and whose governing body does not approve the establishment of a
28 branch library or a joint branch library shall remain a member of the
29 county library system until such time as it elects to withdraw from the
30 system in the manner provided in chapter 33 of Title 40 of the
31 Revised Statutes. The governing body of such a municipality may, by
32 resolution, request that the county library establish a branch library or
33 a joint branch library at any time following the effective date of the
34 reorganization of the county library system, in the manner provided
35 in subsection a.

36 (cf: P.L.1981, c.489, s.6)

37

38 48. Section 7 of P.L.1981, c.489 (C.40:33-13.2j) is amended to
39 read as follows:

40 7. The option for reorganization of the county library system
41 provided in this section shall be known as the "Service Contract
42 Option" and shall govern the county library system of any county
43 whose voters have adopted it pursuant to section 5 of this act.

44 a. The county library commission shall offer a contract to any of
45 the municipalities identified by the county library study commission in
46 its report to provide such municipalities with sufficient staff and

1 materials to insure compliance with standards promulgated by the
2 **[Division of the] State [Library, Archives and History] Librarian,**
3 with the approval of the President of Thomas Edison State College,
4 for library service in those municipalities. Municipalities shall accept
5 or reject such contracts by resolution of the governing body.

6 Any municipality which accepts a contract shall determine an
7 appropriate geographic location within the municipality for the staff
8 and materials provided by the county library.

9 b. Any municipality which rejects a contract pursuant to this
10 section and is a member of the county library system shall remain a
11 member of the system until such time as it elects to withdraw from the
12 system in the manner provided in chapter 33 of Title 40 of the
13 Revised Statutes.

14 (cf: P.L.1981, c.489, s.7)

15

16 49. Section 8 of P.L.1981, c.489 (C.40:33-13.2k) is amended to
17 read as follows:

18 8. The option for reorganization of the county library system
19 provided in this section shall be known as the "Tax Base Sharing
20 Option," and shall be available only to any county in which revenues
21 from the dedicated county library tax established pursuant to
22 R.S.40:33-9 or P.L.1977, c.300 (C.40:33-15 et seq.) have been
23 derived from less than 75% of the total assessed property of the
24 county in the calendar year prior to the establishment of the county
25 library study commission. This option shall govern the county library
26 system of any qualified county whose voters have adopted it pursuant
27 to section 5 of this act.

28 a. The governing body of the county shall annually determine a
29 sum sufficient to distribute among certain municipalities and the
30 county according to the following formula:

31 $A = CBS + CRS + LRS$ where: A is the total tax pool to be
32 distributed; CBS is the county base share and is determined as
33 $.0000666 \times$ the apportionment valuation of the county; CRS is the
34 county residual share and is determined as $[A - CBS] \times .60$; and LRS
35 is the local residual share and is determined as $[A - CBS] \times .40$.

36 The county base share (CBS) shall be appropriated to the county
37 library which shall receive no funds from the library tax provided for
38 in R.S.40:33-9 or from the library tax established in P.L.1977, c.300
39 (C.40:33-15 et seq.). The local residual share (LRS) shall be
40 distributed among those municipalities not members of the county
41 library system on January 1, 1982. Each such municipality shall be
42 apportioned an amount of those revenues in a proportion equal to the
43 proportion which that municipality's apportionment valuation is of the
44 apportionment valuation of all such municipalities. Any municipality
45 receiving revenues from the tax base sharing option provided in this
46 section shall appropriate those funds directly to the board of trustees

1 of any library within its borders funded by the municipality in the
2 calendar year prior to the reorganization of the county library system.

3 b. For each year following the reorganization of the county library
4 system, the county library distribution (CBS + CRS) from the formula
5 established in subsection a. of this section shall not be less than the
6 appropriation made to the county library in the calendar year
7 immediately prior to the reorganization of the county library system;
8 provided, however, that in the first calendar year following the
9 reorganization of the county library system, the county library shall
10 receive an appropriation not less than an amount equal to the
11 appropriation made to the county library in the calendar year preceding
12 the reorganization of the system and not more than an amount equal
13 to the prior year's appropriation plus 10% of that appropriation.

14 In each year following the reorganization of the county library
15 system, the governing body of any municipality not a member of the
16 county library system shall appropriate to any library in the
17 municipality which was funded by the municipality prior to the
18 reorganization of the county library system a sum of money not less
19 than the average appropriation made to such libraries in the [3] three
20 years occurring immediately prior to the reorganization of the county
21 library system. The governing body shall also provide any in-kind
22 benefits or the cash equivalent thereof, which were provided to such
23 libraries during that preceding period.

24 c. The county library shall receive State aid as provided in the
25 "State Library Aid Law" (N.J.S.18A:74-1 et seq.) based on
26 expenditures from the total appropriation from the tax base sharing
27 option made to the county library and the total resident population of
28 the county. Any library located within a municipality not a member
29 of the county library system shall receive State aid as provided in the
30 "State Library Aid Law" based on expenditures from the total
31 appropriation made to the library from the municipality and from the
32 portion of the local residual share received by the municipality as
33 provided in subsection a. of this section. Any municipality which is
34 a member of the county library system and which supports a library
35 shall receive State aid as provided in the "State Library Aid Law"
36 based on the total appropriation made by the municipality for library
37 purposes.

38 d. The county library shall make all of its patron services available
39 to all residents of the county. For the purpose of this act "patron
40 services" means services rendered by a library directly to patrons as
41 distinguished from those services rendered to other libraries. Patron
42 services shall include circulation of library materials, reference
43 assistance, and public programs.

44 e. A municipality which maintains a municipal public library within
45 the county shall not dissolve its municipal public library for a period
46 of [2] two calendar years from the effective date of the reorganization

1 of the county library system.

2 f. The county library commission may offer a service contract for
3 library services to any municipality within the county for any library
4 services performed by the county library. Any such contracts shall
5 conform to the contracts established in section 7 of this act.

6 g. The county library study commission shall remain in existence
7 for [1] one calendar year after the effective date of such
8 reorganization. It shall be the responsibility of the commission to
9 evaluate the tax base sharing option and to determine if the
10 appropriation for the county library system is sufficient to provide
11 patron services to all residents of the county and that such services
12 are in compliance with standards promulgated by the [Division of the]
13 State Library[, Archives and History] for such libraries. The
14 commission shall make a report of its findings to the county governing
15 body within [1] one calendar year of the reorganization of the county
16 library system.

17 (cf: P.L.1981, c.489, s.8)

18

19 50. Section 11 of P.L.1981, c.489 (C.40:33-13.2n) is amended to
20 read as follows:

21 11. The [Division of the] State [Library, Archives and History]
22 Librarian, with the approval of [the State Board of Education] the
23 President of Thomas Edison State College is authorized to
24 promulgate, pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it
26 deems necessary to effectuate the purposes of this act.

27 (cf: P.L.1981, c.489, s.11)

28

29 51. Section 3 of P.L.1962, c.134 (C.40:33-13.5) is amended to
30 read as follows:

31 3. The regional library agreement may, from time to time, be
32 amended or supplemented by the adoption of similar resolutions by all
33 the boards of chosen freeholders of the participating counties. A copy
34 of the original regional library agreement, of any amendments or
35 supplements thereto and of the resolutions approving such agreement,
36 amendments or supplements shall be filed with the [Commissioner of
37 Education] State Librarian and with the Director of the Division of
38 Local Government.

39 (cf: P.L.1962, c.134, s.3)

40

41 52. Section 12 of P.L.1962, c.134 (C.40:33-13.14) is amended to
42 read as follows:

43 12. The board of trustees may enter into agreements with the
44 governing body of any municipality which is not then served by the
45 regional library to increase or improve the library services available to
46 the residents of said municipality or to the residents of the

1 municipalities then served by the regional library. Any such
2 agreement shall specify the services to be rendered by the regional
3 library and by the municipality and the amount and nature of payment
4 of any consideration for such services. Any municipality may enter
5 into such agreements with the board of trustees for periods of not
6 more than [5] five years and may renew such agreements for like
7 periods.

8 No such agreement shall be concluded (a) without the approval of
9 the boards of chosen freeholders of the counties participating in the
10 regional library and, (b) in the event that the municipality maintains
11 a municipal public library, without the approval of the board of
12 trustees of such library. Such agreement may be amended and
13 supplemented, from time to time, and a copy of such agreement,
14 amendments and supplements, together with resolutions of the board
15 of trustees approving such agreement, amendments and supplements,
16 shall be filed with the [Commissioner of Education] State Librarian
17 and with the Director of the Division of Local Government.
18 (cf: P.L.1962, c.134, s.12)

19

20 53. Section 5 of P.L.1985, c.541 (C.40:54-8.1) is amended to read
21 as follows:

22 5. Any increase in the amount raised by taxation for the municipal
23 library as required by R.S.40:54-8 shall not exceed the total amount
24 expended by the municipality in the previous year plus 15% of the
25 previous year's total expenditures for the maintenance of a free public
26 library; except that the [director of the Division of] State [Library,
27 Archives and History in the Department of Education] Librarian is
28 authorized to approve additional appropriations to any municipality
29 that requests to appropriate an amount in excess of 15% of the
30 previous year's total library expenditures.

31 (cf: P.L.1985, c.541, s.5)

32

33 54. R.S.40:54-12 is amended to read as follows:

34 40:54-12. The board shall hold in trust and manage all property of
35 the library. It may rent rooms, or, when proper, construct buildings for
36 the use of the library, purchase books, pamphlets, documents, papers
37 and other reading matter, hire librarians, and other necessary
38 personnel, and fix their compensation, make proper rules and
39 regulations for the government of the library, and generally do all
40 things necessary and proper for the establishment and maintenance of
41 the free public library in the municipality. The board may also transfer
42 to and receive from [the deposit and exchange library service of the
43 Bureau of Public and School Library Services, of the Division of the
44 State Library, Archives and History, in the State Department of
45 Education,] other libraries books, magazines, prints, maps and other

1 related library materials for the purpose of augmenting the interlibrary
2 loan service.

3 (cf: P.L.1949, c.98, s.1)

4

5 55. R.S.40:54-15 is amended to read as follows:

6 40:54-15. The board of trustees shall make an annual report to the
7 chief financial officer of the municipality which shall include a
8 statement setting forth in detail all public revenues received by the
9 library, all State aid received by the library, all expenditures made by
10 the library and the balance of funds available. The annual report shall
11 also include an analysis of the state and condition of the library and
12 shall be sent to the municipal governing body and to the [Division of]
13 State Library[, Archives and History in the Department of Education].
14 The [division] State Librarian shall prescribe by regulation the form
15 of all such reports.

16 (cf: P.L.1985, c.541, s.2)

17

18 56. Section 3 of P.L.1959, c.155 (C.40:54-29.5) is amended to
19 read as follows:

20 3. After the introduction of an ordinance approving such joint
21 library agreement, which may be incorporated by reference therein,
22 such agreement shall be and remain on file for public inspection in the
23 municipal clerk's office from the time of introduction of such
24 ordinance and such ordinance shall so state. A copy of such
25 ordinance and of the joint library agreement shall be filed with [the
26 Commissioner of the Department of Education] State Librarian and
27 the Director of the Division of Local Government. Subsequent
28 amendments and supplements to such ordinance and agreement shall
29 be filed in like manner.

30 (cf: P.L.1959, c.155, s.3)

31

32 57. Section 21 of P.L.1959, c.155 (C.40:54-29.23) is amended to
33 read as follows:

34 21. When such discontinuance has been agreed upon or determined
35 and if the governing body of the municipality proposing such
36 discontinuance shall determine to proceed therewith,

37 (a) such governing body shall introduce an ordinance authorizing
38 and directing the submission to the legal voters the question whether
39 said municipality shall discontinue participation in the joint library
40 pursuant to said agreement or determination, which agreement or
41 determination may be incorporated by reference in said ordinance
42 provided said agreement or determination shall be and remain on file
43 in the office of the municipal clerk for public inspection;

44 (b) if said ordinance shall be adopted, a copy thereof and of said
45 agreement or determination shall be filed with the Director of the
46 Division of Local Government and the [Commissioner of the

1 Department of Education] State Librarian; and

2 (c) the question of such discontinuance shall be submitted to the
3 legal voters of such municipality at the next general election to be held
4 therein not less than 40 days after the adoption of said ordinance, and
5 said agreement or determination shall remain on file in the office of
6 the municipal clerk for public inspection pending such election.

7 (cf: P.L.1959, c.155, s.21)

8

9 58. (New section) Unless provided for elsewhere to the contrary,
10 the State Library, with the approval of the President of Thomas Edison
11 State College, may promulgate, pursuant to the Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules as
13 the State Librarian deems necessary for the administration of the State
14 Library.

15

16 59. (New section) The State Library building located at 185 East
17 State Street in Trenton, Mercer County, and the State Library for the
18 Blind and Handicapped, located at 2300 Stuyvesant Avenue in
19 Trenton, Mercer County, shall remain the property of the State of New
20 Jersey. Each building shall be maintained by the Department of
21 Treasury and be entitled to all of the services provided to other State
22 buildings in the Capitol Complex. Any additional costs incurred by the
23 State Library for services at those buildings shall be paid by Thomas
24 Edison State College from the direct State services portion of the
25 annual appropriation for the State Library. The contents of the
26 buildings, including but not limited to the furniture, equipment, State
27 Library collection and library materials, shall be the property of the
28 State of New Jersey, but shall be available to Thomas Edison State
29 College for the use of the State Library and the employees thereof.

30

31 60. (New section) a. The State Treasurer shall disburse to Thomas
32 Edison State College the amount of funds appropriated in the direct
33 State services portion of the annual appropriation for the State
34 Library. The funds shall be paid to the college in four equal
35 installments beginning on July 1 of each year. Thomas Edison State
36 College shall deposit all such funds into separate accounts to be used
37 solely for State Library purposes.

38 b. The State Treasurer shall disburse to Thomas Edison State
39 College the amount of funds appropriated in the State aid portion of
40 the annual appropriation for the State Library. The funds shall be paid
41 to the college on a drawdown schedule to be prepared by Thomas
42 Edison State College and approved by the Office of Management and
43 Budget. Thomas Edison State College shall deposit all such funds into
44 separate accounts to be used solely for State Library purposes.

45 c. Each year, Thomas Edison State College shall prepare and submit
46 to the Office of Management and Budget in the Department of the

1 Treasury a proposed budget for the operation of the State Library
2 during the following fiscal year at the same time that Thomas Edison
3 State College prepares and submits to the Secretary of State for
4 submission to Office of Management and Budget a proposed budget
5 for the operation of the college during the following fiscal year.

6 d. Funds disbursed to Thomas Edison State College for the
7 operations of the State Library, although maintained in separated
8 accounts, shall be considered college funds for all purposes related to
9 purchasing, including for the purposes of the "State College Contracts
10 Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

11 e. Thomas Edison State College is authorized to accept donations
12 on behalf of the State Library and those donated funds shall be
13 maintained in separate accounts to be used solely for State Library
14 purposes.

15 f. Thomas Edison State College shall be entitled to use, solely for
16 State Library purposes, the interest income from any public or private
17 fund established to support the programs and services of the State
18 Library to the extent permitted by law and the terms of the fund.

19 g. Thomas Edison State College shall conduct an independent
20 financial audit of the State Library accounts each year, including
21 accounts that receive federal funds, and shall submit copies of the
22 same to the Department of the Treasury, with the cost of such audits
23 funded from the direct State services portion of the annual
24 appropriation for the State Library.

25 h. Thomas Edison State College shall be responsible for the
26 maintenance of all financial records that involve the operations of the
27 State Library, including those records that relate to federal funds.

28

29 61. (New section) All transfers directed by this act, except as
30 otherwise provided herein, shall be made in accordance with the "State
31 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

32

33 62. Sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and
34 18A:73-42) are repealed.

35

36 63. This act shall take effect immediately.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2113

STATE OF NEW JERSEY

DATED: MAY 21, 2001

The Assembly Education Committee favorably reports Senate Bill No. 2113 (1R).

This bill transfers administrative control of the State Library, together with its functions, powers and duties, to Thomas Edison State College.

Prior to 1983, the State Library, together with the State Museum, Bureau of Records Management Services, Archives Section and the New Jersey Historical Commission, were all located in the Department of Education. For the State Library, current statutes reflect this allocation. Pursuant to 1983 reorganization plans, the State Museum, Historical Commission, Bureau of Records Management Services and Archives Section were transferred to the Department of State and the State Library stayed in the Department of Education.

In 1996, former Governor Christine Todd Whitman issued Executive Reorganization Plan 002-1996, which transferred the State Library to the Department of State. At the same time, the Department of State executed a contractual agreement with Thomas Edison State College to administer the daily operations of the State Library. This agreement continues in effect today.

The bill amends and supplements current law to reflect both the executive reorganization plan and the contractual agreement.

Under the bill, Thomas Edison State College will be responsible for the administration of the State Library which will be in, but not of, the Department of State. The President of the college is directed to appoint the State Librarian who, with the approval and under the supervision of the college, will direct and administer the work of the library. In addition, the President of the college or a designee, is authorized to appoint all professional staff in the library and such other personnel as necessary for the work of the library. The employees of the library will be considered employees of Thomas Edison State College, but the State is responsible for paying the entire employer contribution of the pension and benefits costs for the employees whose salaries will be funded from the direct State services portion of the annual appropriation for the State Library.

The State Library building, located at 185 East State Street in Trenton, and the State Library for the Blind and Handicapped, located at 2300 Stuyvesant Avenue in Trenton, will remain the property of the State of New Jersey. Each building will be maintained by the Department of Treasury and entitled to all of the services provided to other State buildings in the Capitol Complex. Any additional costs incurred by the State Library for services at those buildings will be paid by Thomas Edison State College from the direct State services portion of the annual appropriation for the State Library.

The bill repeals two sections of the law, one section dealing with joint meetings called by the Commissioner of Education and the other providing for the continuation of the office of the State Librarian under the provisions of the present statute.

As reported by committee, this bill is identical to Assembly Bill No. 3207 with Assembly committee amendments.

ASSEMBLY, No. 3207

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 5, 2001

Sponsored by:

Assemblyman LEONARD LANCE

District 23 (Warren, Hunterdon and Mercer)

SYNOPSIS

Transfers State Library to Thomas Edison State College.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the State Library, amending and supplementing
2 various sections of the statutory law, and repealing sections 14 and
3 27 of P.L.1969, c.158 (C.18A:73-29 and 18A:73-42).

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

7
8 1. N.J.S.2A:12-6 is amended to read as follows:

9 2A:12-6. The Administrative Director of the Courts is authorized
10 to distribute or cause to be distributed any bound volumes of the New
11 Jersey Reports and the New Jersey Superior Court Reports heretofore
12 or hereafter published and delivered to him, as follows:

13 To each member of the Legislature, one copy of each volume of
14 such reports.

15 To the following named, for official use, to remain the property of
16 the State, the following number of copies of each volume of such
17 reports:

18 a. To the Governor, four copies;

19 b. To the Department of Law and Public Safety, for the Division
20 of Law, four copies; and the Division of Alcoholic Beverage Control,
21 one copy;

22 c. To the Department of the Treasury, for the State Treasurer, one
23 copy; the Division of Taxation, three copies; and the Division of Local
24 Government Services in the Department of Community Affairs, one
25 copy;

26 d. To the Department of State, one copy;

27 e. To the Department of Personnel, one copy;

28 f. To the Department of Banking[, one copy; and the Department
29 of] and Insurance, [one copy] two copies;

30 g. To the Board of Public Utilities in the Department of the
31 Treasury, one copy;

32 h. To the Department of Labor, for the commissioner, one copy;
33 the Division of Workers' Compensation, five copies; the State Board
34 of Mediation, one copy; and the Division of Employment Security,
35 three copies;

36 i. To the Department of Education, for the commissioner, one
37 copy; [and the Division of the State Library, Archives and History, 60
38 copies, five of which shall be deposited in the Law Library, and 55 of
39 which shall be used by the director of the division in sending one copy
40 to the state library of each state and territory of the United States, the
41 same to be in exchange for the law reports of such states and
42 territories sent to said division, which reports shall be deposited in and
43 become part of the collection of the Law Library;]

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.

A3207 LANCE

3

- 1 j. To the Department of Transportation, one copy;
- 2 k. To the Department of Human Services, one copy; and the
3 Department of Corrections, one copy;
- 4 l. To each judge of the federal courts in and for the district of New
5 Jersey, one copy;
- 6 m. To each justice of the Supreme Court, one copy;
- 7 n. To each judge of the Superior Court, one copy;
- 8 o. To the Administrative Director of the Courts, one copy;
- 9 p. To each standing master of the Superior Court, one copy;
- 10 q. (Deleted by amendment, P.L.1983, c.36.)
- 11 r. To the clerk of the Supreme Court, one copy;
- 12 s. To the clerk of the Superior Court, one copy;
- 13 t. (Deleted by amendment, P.L.1983, c.36.)
- 14 u. (Deleted by amendment, P.L.1983, c.36.)
- 15 v. (Deleted by amendment, P.L.1991, c.91.)
- 16 w. (Deleted by amendment, P.L.1991, c.91.)
- 17 x. To each county prosecutor, one copy;
- 18 y. To the Central Management Unit in the Office of Legislative
19 Services, one copy;
- 20 z. To each surrogate, one copy;
- 21 aa. To each county clerk, one copy;
- 22 ab. To each sheriff, one copy;
- 23 ac. To Rutgers, The State University, two copies; and the law
24 schools, five copies each;
- 25 ad. To the law school of Seton Hall University, five copies;
- 26 ae. To Princeton University, two copies;
- 27 af. To the Library of Congress, four copies;
- 28 ag. To the New Jersey Historical Society, one copy;
- 29 ah. To every library provided by the board of chosen freeholders
30 of any county at the courthouse in each county, one copy;
- 31 ai. To the library of every county bar association in this State, one
32 copy;
- 33 aj. To each incorporated library association in this State, which has
34 a law library at the county seat of the county in which it is located, one
35 copy;
- 36 ak. To each judge of the tax court, one copy;
- 37 al. The State Library, 60 copies, five of which shall be deposited
38 in the Law Library, and 55 of which shall be used by the State
39 Librarian to send one copy to the state library of each state and
40 territory of the United States, the same to be in exchange for the law
41 reports of such states and territories sent to the State Library, which
42 reports shall be deposited in and become part of the collection of the
43 Law Library.
- 44 The remaining copies of such reports shall be retained by the
45 administrative director for the use of the State and for such further
46 distribution as he may determine upon.
- 47 (cf: P.L.1991, c.91, s.29)

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1 2. N.J.S.18A:4-34 is amended to read as follows:

2 18A:4-34. Each assistant commissioner shall perform such duties
3 in the public school system of the State as may from time to time be
4 assigned to him by the commissioner, which shall include, but need not
5 be limited to, any one or more of the following:

6 a. The supervision of curriculum and instruction;

7 b. The supervision of vocational education;

8 c. The hearing and determination of controversies and disputes
9 which may arise under the school laws, or the rules of the State board,
10 or of the commissioner; and

11 d. The supervision of business and financial matters[; and

12 e. The supervision of the Division of the State Library, Archives
13 and History].

14 (cf: P.L.1977, c.322, s.2)

15

16 3. Section 11 of P.L.1969 c.158 (C.18A:73-26) is amended to read
17 as follows:

18 11. Upon the enactment of P.L. , c. (C.)(now pending
19 before the Legislature as this bill), Thomas Edison State College shall
20 be responsible for the administration [The Division] of the State
21 Library [, Archives and History in the State Department of Education
22 is continued]. The State Library shall be in, but not of, the
23 Department of State.

24 (cf: P.L.1969, c.158, s.11)

25

26 4. Section 12 of P.L.1969 c.158 (C.18A:73-27) is amended to read
27 as follows:

28 12. The [division] State Library shall consist of [an assistant
29 commissioner] the State Librarian and an advisory council and such
30 other personnel as the [Commissioner of Education] President of
31 Thomas Edison State College may deem necessary for the efficient
32 administration thereof.

33 (cf: P.L.1977, c.322, s.3)

34

35 5. Section 13 of P.L.1969, c.158 (C.18A:73-28) is amended to read
36 as follows:

37 13. There shall be within the [Division of the] State Library[,
38 Archives and History] an advisory council which shall be designated
39 as the Advisory Council of the [Division of the] State Library[,
40 Archives and History]. Such advisory council shall consist of [8]
41 eight members. The [commissioner] President of Thomas Edison
42 State College or the designee thereof shall serve as a member ex
43 officio. The other [7] seven members shall be appointed by the
44 Governor by and with the advice and consent of the Senate for a term
45 of [5] five years, beginning on July 1, and ending June 30, except as

1 hereinafter provided. [The 5 appointed members serving on the
2 effective date of this act shall continue in office for the remainder of
3 the respective terms for which they were appointed. The 2 additional
4 members shall be appointed one for a term ending 4 years and one for
5 a term ending 5 years from the June 30 following the effective date of
6 this act.] Each member shall serve until his successor has been
7 appointed and qualified. In case of a vacancy, however, occurring, the
8 successor shall be appointed in like manner for the unexpired term
9 only. [The State Librarian shall serve in the capacity of the secretary
10 of the council.] The council shall meet at least 4 times a year. It
11 shall frame and modify by-laws for its own government, and elect its
12 chairman and other officers. Any member of the advisory council may
13 be removed from office by the Governor for cause, upon notice and
14 opportunity to be heard.

15 (cf: P.L.1969, c.158, s.13)

16

17 6. Section 15 of P.L.1969, c.158 (C.18A:73-30) is amended to read
18 as follows:

19 15. The members of the advisory council shall serve without
20 compensation, but shall be reimbursed by Thomas Edison State
21 College for necessary expenses incurred in the performance of their
22 duties under this act. The expenses shall be paid from the direct State
23 services portion of the annual appropriation for the State Library.

24 (cf: P.L.1969, c.158, s.15)

25

26 7. Section 16 of P.L.1969, c.158 (C.18A:73-31) is amended to read
27 as follows:

28 16. The advisory council shall give advice and make
29 recommendations to:

30 (a) The [Commissioner of Education] President of Thomas Edison
31 State College with regard to the appointment of the State Librarian;

32 (b) The [Commissioner of Education] President of Thomas Edison
33 State College and the State Librarian with regard to

34 (1) The policies and operations of the [Division of the] State
35 Library[, Archives and History] and the State's library program;

36 (2) The adoption, amendment or rescission of such rules and
37 regulations as may be necessary for the implementation of this act;

38 (3) Minimum standards of library service;

39 (4) The apportionment of State aid to libraries;

40 (5) Contractual arrangements for library services to which the
41 [State Department of Education] State Library is a party.

42 (cf: P.L.1969, c.158, s.16)

43

44 8. Section 17 of P.L.1969 C.158 (C.18A:73-32) is amended to read
45 as follows:

1 17. The [assistant commissioner for the division shall be the] State
2 Librarian[.

3 The assistant commissioner] shall be a graduate of an accredited
4 university or college and shall, prior to [his] the appointment, have
5 graduated from a school of library service accredited by the American
6 Library Association, and have had at least [4] four years of library
7 experience in a responsible administrative capacity.

8 (cf: P.L.1977, c.322, s.4)

9

10 9. Section 18 of P.L.1969 c.158 (C.18A:73-33) is amended to read
11 as follows:

12 18. The position of State Librarian is hereby established.

13 The President of Thomas Edison State College shall appoint the
14 State Librarian. The State Librarian shall head the [division] State
15 Library and shall, with the approval and under the supervision of [the
16 Commissioner of Education] Thomas Edison State College:

17 (a) Direct and administer the work of the [division] library;

18 (b) Administer all laws which are by their terms included under the
19 jurisdiction of the [division] library;

20 (c) Establish and organize the bureaus therein;

21 (d) Allocate the duties to be performed by the personnel of the
22 State Library and the bureaus established within the library;

23 (e) Prescribe such rules and regulations, not inconsistent with law,
24 as may be necessary to effectuate his powers and duties under this act;

25 (f) Prescribe minimum standards of service for libraries in the State
26 of New Jersey as may be necessary to effectuate [his] the State
27 Librarian's powers under the law.

28 (cf: P.L.1969, c.158, s.18)

29

30 10. Section 6 of P.L.1983, c.486 (C.18A:73-33.1) is amended to
31 read as follows:

32 6. In addition to the duties prescribed in section 18 of P.L.1969,
33 c.158 (C.18A:73-33), the State Librarian shall on or before October
34 31 of each year prepare an annual report on the activities of the library
35 network for the preceding year. The report shall be transmitted to the
36 [commissioner] President of Thomas Edison State College who, upon
37 [his] the approval of the report thereby, shall transmit it to [the State
38 Board of Education, and to] the Governor, the Thomas Edison State
39 College Board of Trustees and the Chairman of the [Education] State
40 Government Committee, or successor committee, of each House of the
41 Legislature. The report shall set forth a complete operating and
42 financial statement covering the library network's operation during the
43 preceding year. The report shall also contain such information as may
44 be necessary to provide an adequate description of the measures taken
45 in the previous year to implement the plan for the library network

1 submitted pursuant to subsection b. of this section, the performance
2 of the library network in accordance with that plan, and an
3 explanation of any changes or additions made in or to that plan during
4 that year.

5 b. [The first report submitted pursuant to subsection a. of this
6 section shall contain a plan for the establishment of the library
7 network; the designation of library regions; the structure,
8 organization, and governance of regional library cooperatives; the
9 designation of libraries to provide cooperative library services to the
10 library network; and a proposed budget for the first year of the library
11 network's operations.] Deleted by amendment, P.L. _____, c. _____ (now
12 pending before the Legislature as this bill).
13 (cf: P.L.1983, c.486, s.6)

14

15 11. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
16 read as follows:

17 19. a. The [Commissioner of Education] President of Thomas
18 Edison State College or the designee thereof shall, with the advice of
19 the State Librarian, appoint all professional staff in the [division]
20 library, and fix the compensation of all such persons thus appointed.
21 [He] The President of Thomas Edison State College or the designee
22 thereof shall appoint such other personnel as [he] that person may
23 consider necessary for the efficient performance of the work of the
24 [division] library and fix their compensation. All persons thus
25 appointed shall be subject to the provisions of Title [11] 11A, Civil
26 Service, of the [Revised] New Jersey Statutes.

27 b. For all purposes, the employees of the State Library shall be
28 considered employees of Thomas Edison State College.

29 c. Thomas Edison State College shall maintain, in a manner
30 acceptable to the Department of Personnel, the personnel records of
31 all employees and positions currently on staff and funded. All such
32 records shall be subject to audit by the Department of Personnel.

33 d. The State shall be responsible for paying the entire employer
34 contribution of the pension and benefits costs for the State Library
35 employees whose salaries are funded from the direct State services
36 portion of the annual appropriation for the State Library.

37 (cf: P.L.1969, c.158, s.19)

38

39 12. Section 20 of P.L.1969 c.158 (C.18A:73-35) is amended to
40 read as follows:

41 20. The [division] State Library shall:

42 (a) Maintain library resources and information services over a broad
43 range of subjects which affect the educational, intellectual, cultural,
44 economic and political life of the State;

45 (b) Provide special library services for the legislative, executive and

1 judicial branches of State Government, supplemental library service for
2 New Jersey libraries and citizens and direct library service for the
3 handicapped;

4 (c) Purchase or otherwise acquire, and maintain a general collection
5 of books, periodicals, newspapers, maps, slides, films and other library
6 materials for the use of State and local governments, libraries, and the
7 public generally; and exchange, discard, sell, or otherwise dispose of
8 books and library materials as required within the purposes stated
9 herein and all moneys to be secured from such sales shall be paid into
10 the treasury to be used for the benefit of the State Library when
11 appropriated to that purpose;

12 (d) Maintain as part of the State Library, a general reference
13 service; a legislative reference service; a law library service; a
14 documents depository service; an archival service for New Jersey
15 materials; a records management service for State and local
16 governments; a deposit and exchange service for library materials; an
17 interlibrary loan service; an advisory service for public libraries,
18 school libraries, libraries of institutions of higher education, industrial,
19 commercial and other special libraries, State department and agency
20 libraries, and the libraries the State maintains within the institutions
21 carrying out its health, welfare and correctional programs; and a
22 library service for the handicapped; and provide such other services
23 as may be required by law;

24 (e) Preserve the records of the history of New Jersey through its
25 official archives and other materials and promote interest and research
26 in the history of the State;

27 (f) Co-ordinate a State-wide system of libraries in New Jersey, and
28 administer State and Federal programs for the development of
29 libraries, library facilities, library resources and library services in
30 New Jersey, and require such reports as are necessary for the proper
31 administration of its duties and for the gathering and publishing of
32 annual and occasional statistics on libraries in the State;

33 (g) Promote and demonstrate library service throughout the State,
34 and study library problems and needs in New Jersey and make the
35 resultant findings known generally.

36 (cf: P.L.1969, c.158, s.20)

37

38 13. Section 2 of P.L.1983, c.486 (C.18A:73-35b) is amended to
39 read as follows:

40 2. The Legislature finds and declares that promoting cooperation
41 among the various types of libraries in New Jersey will provide this
42 State's residents with full and equal access to library materials and
43 programs not currently available within their communities; that
44 increased cooperation and access will help control the cost of
45 maintaining local libraries, while providing for improved services; that
46 establishing a library network can best be accomplished by assisting

1 libraries to form cooperatives on a regional basis and by having the
2 [Division of the] State Library[, Archives and History] promote,
3 coordinate and fund such cooperative efforts, as well as provide and
4 coordinate library services on a Statewide basis.

5 (cf: P.L.1986, c.174, s.1)

6

7 14. Section 3 of P.L.1983, c.486 (C.18A:73-35c) is amended to
8 read as follows:

9 3. As used in this act:

10 a. ["Commissioner"] "President" means the [Commissioner of
11 the Department of Education] President of Thomas Edison State
12 College or the designee thereof ;

13 b. ["Division"] "State Library" means the [Division of the State
14 Library, Archives and History in the Department of Education]
15 State's research library and depository for State and federal documents
16 affiliated with Thomas Edison State College;

17 c. "Library" means any library eligible for advisory service from
18 the division as provided in subsection d. of section 20 of P.L.1969,
19 c.158 (C.18A:73-35); any county audiovisual aids center established
20 pursuant to N.J.S. 18A:51-1 et seq.; and any educational
21 [improvement] information and resource center established pursuant
22 to [P.L.1978, c.58 (C.18A:6-95 et seq.)] P.L.1983, c.486 (C.18A:73-
23 35a et seq.);

24 d. "Library region" means a geographic area designated by the
25 State Librarian pursuant to this act within which libraries may establish
26 a regional library cooperative;

27 e. "Library network" means all libraries in all regional library
28 cooperatives, the State Library, and any library providing services to
29 other libraries; and

30 f. "Regional library cooperative" means a membership organization
31 of libraries within a library region which has agreed to provide and
32 receive cooperative library services.

33 (cf: P.L.1983, c.486, s.3)

34

35 15. Section 4 of P.L.1983 , c.486 (C.18A:73-35d) is amended to
36 read as follows:

37 4. In addition to the duties prescribed in section 20 of P.L.1969,
38 c.158 (C.18A:73-35), the [division] State Library shall establish,
39 organize, supervise and fund the library network, as well as provide
40 library services on a regional as well as a Statewide basis. To
41 effectuate the purposes of this act, the [division] State Library shall:

42 a. establish library regions to encompass all of the State's territory; b.
43 provide for the creation, structure, funding, and governance of a
44 regional library cooperative for each library region; c. enter into
45 contracts with any library or service-providing agency to provide

1 cooperative library services to any members of the library network; d.
2 determine the kinds of cooperative services to be provided and
3 received by members of the network; and e. provide direct services to
4 members of the network, on a regional as well as a Statewide basis.
5 (cf: P.L.1986, c.174, s.2)

6
7 16. Section 8 of P.L.1983, c.486 (C.18A:73-35f) is amended to
8 read as follows:

9 8. To provide an efficient and effective library network in
10 accordance with objectives of this act, no regional library cooperative
11 or any library with which the [division] State Library contracts to
12 provide cooperative services on a regional as well as a Statewide basis
13 to the library network shall participate in any apportionment of State
14 funds pursuant to this act unless it operates in compliance with the
15 rules and regulations which have been, or may be, prescribed by law
16 or promulgated by the [division and approved by the commissioner
17 and the State Board of Education] State Librarian with the approval
18 of the President of Thomas Edison State College.

19 (cf: P.L.1986, c.174, s.4)

20
21 17. Section 9 of P.L.1983, c.486 (C.18A:73-35g) is amended to
22 read as follows:

23 9. On or before November 15 in each year, the State Librarian,
24 with the approval of the [commissioner] President, shall estimate the
25 amount necessary to be appropriated to carry out the provisions of this
26 act for the succeeding fiscal year and shall determine for budget
27 purposes the amount estimated to be payable to each regional library
28 cooperative or library with which the [division] State Library
29 contracts to provide cooperative service to the library network for that
30 year and the amount necessary for supplemental library services
31 provided directly. The amount requested for direct services shall not
32 exceed 20% of the total amount appropriated. The State Librarian
33 shall make such determination for budget purposes upon the basis of
34 appropriations for library network purposes made by the Legislature
35 in the current calendar year.

36 On or before September 15 of each succeeding year, the State
37 Librarian shall make a final determination of the payments to be made
38 under this act.

39 (cf: P.L.1986, c.174, s.5)

40
41 18. Section 8 of P.L.1986, c.174 (C.18A:73-35g1) is amended to
42 read as follows:

43 8. Notwithstanding the provisions of any other law to the contrary,
44 all funds previously appropriated to fund area libraries pursuant to
45 N.J.S.18A:74-4 and research library centers pursuant to
46 N.J.S.18A:74-5 are appropriated to the [Division of the] State

1 Library, [Archives and History] for the purpose of funding the library
2 network.

3 In succeeding fiscal years the State Librarian shall make the budget
4 determinations required by section 9 of P.L.1983, c.486
5 (C.18A:73-35g), based on previous appropriations for library network
6 purposes, which shall include the transfer of area library and research
7 library center appropriations made pursuant to this section.

8 (cf: P.L.1986, c.174, s.8)

9

10 19. Section 10 of P.L.1983, c.486 (C.18A:73-35h) is amended to
11 read as follows:

12 10. The sums payable pursuant to this act shall be payable on
13 October 1 following the final determination in each year. Payments
14 shall be made by [the State Treasurer upon certificate of the
15 commissioner and warrant of the Director of the Division of Budget
16 and Accounting] Thomas Edison State College. Payment shall be
17 made to the receiving officer designated by each regional library
18 cooperative, each library with which the division contracts to provide
19 cooperative service to the library network and to the State library for
20 the cost of providing direct Statewide library services to the library
21 network.

22 (cf: P.L.1986, c.174, s.6)

23

24 20. Section 11 of P.L.1983, c.486 (C.18A:73-35i) is amended to
25 read as follows:

26 11. The [division] State Librarian may, with the approval of the
27 [commissioner and the State Board of Education] President,
28 promulgate pursuant to the "Administrative Procedure Act,"
29 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it
30 deems necessary to effectuate the purposes of this act.

31 (cf: P.L.1983, c.486, s.11)

32

33 21. Section 12 of P.L.1983, c.486 (C.18A:73-35j) is amended to
34 read as follows:

35 12. There shall be appropriated in the first fiscal year following the
36 receipt by the Legislature of the first annual report and in each fiscal
37 year thereafter following the receipt by the Legislature of each
38 subsequent annual report required pursuant to section 6 of [this act]
39 P.L.1983, c.486 (C.18A:73-33.1), such sums as may be necessary for
40 the operations of the library network. If the sums appropriated at any
41 time are insufficient to carry out in full the provisions of this act, the
42 [commissioner with the approval of the State Board of Education]
43 President, with the approval of the Thomas Edison State College
44 Board of Trustees, shall allocate such sums on a pro rata basis. A sum
45 not to exceed 1% of such total or supplemental appropriation for the

1 purposes of this act may be allocated for the administrative cost
2 thereof.

3 (cf: P.L.1983, c.486, s.12)

4

5 22. Section 1 of P.L.1980, c.149 (C.18A:73-35.1) is amended to
6 read as follows:

7 1. The State Librarian may, within the limits of funds appropriated
8 or otherwise made available to the [Division of the] State Library[,
9 Archives and History], purchase the following without advertising for
10 bids: library materials including books, periodicals, newspapers,
11 documents, pamphlets, photographs, reproductions, microfilms,
12 pictorial or graphic works, musical scores, maps, charts, globes, sound
13 recordings, slides, films, filmstrips, video and magnetic tapes, other
14 printed or published matter, and audiovisual and other materials of a
15 similar nature and necessary binding or rebinding of library materials.
16 (cf: P.L.1980, c.149, s.1)

17

18 23. Section 23 of P.L.1969, c.158 (C.18A:73-38) is amended to
19 read as follows:

20 23. The State Library shall be kept open during the normal
21 working hours of State Government and at all times during which the
22 Legislature and the courts of this State and of the United States which
23 sit at Trenton are in session, and at such other times as the State
24 Librarian, with the approval of the [Commissioner of Education]
25 President of Thomas Edison State College, shall prescribe.

26 (cf: P.L.1969, c.158, s.23)

27

28 24. Section 24 of P.L.1969, c.158 (C.18A:73-39) is amended to
29 read as follows:

30 24. [Subject to approval by the State Board of Education, the
31 Commissioner of Education] The President of Thomas Edison State
32 College may apply for and accept on behalf of the State of New Jersey
33 and, through the [Division of the] State Library[, Archives and
34 History], administer for the State, any funds, books and library
35 facilities applicable to public or school library purposes, granted or
36 provided by the Federal Government, or any agency or officer thereof,
37 under or pursuant to any Federal Law heretofore or hereafter enacted
38 authorizing grants to the States for such purposes or for similar
39 purposes.

40 (cf: P.L.1969, c.158, s.24)

41

42 25. Section 25 of P.L.1969, c.158 (C.18A:73-40) is amended to
43 read as follows:

44 25. In the event that under or pursuant to any such Federal law it
45 is required that a State agency be designated to carry out the purpose
46 of such law, including the administration or suspension of

1 administration of any plan or program pursuant thereto, [the State
2 Department of Education] Thomas Edison State College shall be the
3 sole agency in this State for carrying out such purposes. The
4 Governor is hereby authorized to make such designation, and [the
5 State Department of Education] Thomas Edison State College is
6 hereby empowered to act as the sole agency in this State for carrying
7 out such purposes.

8 (cf: P.L.1969, c.158, s.25)

9

10 26. Section 26 of P.L.1969, c.158 (C.18A:73-41) is amended to
11 read as follows:

12 26. [The State Treasurer] Thomas Edison State College shall
13 receive and provide for the proper custody of any funds granted by the
14 Federal Government for such public or school library purposes, under
15 or pursuant to any Federal law. All moneys so received shall be used
16 exclusively for the purposes of any such law. Such moneys shall be
17 expended in the same manner as any funds of the State are expended,
18 upon vouchers certified or approved by the [Commissioner of
19 Education] President of Thomas Edison State College or [his] the
20 duly authorized representative thereof, as provided by law.

21 Thomas Edison State College shall submit to the State Treasurer
22 copies of any final financial status reports submitted to the federal
23 government for grants or other funds received by the college.

24 (cf: P.L.1969, c.158, s.26)

25

26 27. Section 1 of P.L.1985, c.279 (C.18A:74-3.2) is amended to
27 read as follows:

28 1. [The Division of the State Library, Archives and History in the
29 Department of Education, upon the approval of the Commissioner of
30 the Department of Education and the State Board of Education,]
31 Thomas Edison State College shall annually, within the limitations of
32 amounts appropriated by the Legislature, distribute funds pursuant to
33 rules and regulations adopted according to N.J.S.18A:74-1 et seq.
34 upon certification of the State Library;

35 a. To any municipality which receives State aid pursuant to
36 P.L.1978, c.14 (C.52:27D-178 et seq.) and supports, in whole or in
37 part, a municipal library which maintains one or more branch libraries,
38 to assist solely in maintaining, operating and improving those branch
39 libraries to meet community needs;

40 b. To any county or municipality which supports, in whole or in
41 part, library services from county or municipal tax revenues to
42 evaluate and develop the collections of any library receiving such
43 funds; and

44 c. To any library in the State which houses and maintains a
45 collection of historical or special interest, to be used to house, protect,

1 preserve, repair, restore and maintain the collection.

2 Funds allocated pursuant to this section shall be distributed as
3 grants to qualifying applicants, based on competitive criteria and a
4 selection process established by the [Division of the State Library,
5 Archives and History and approved by the commissioner and State
6 Board of Education] State Library. No rule or regulation shall be
7 adopted nor any application approved nor grant made under this
8 section which creates or implies, by its nature or purpose, a continuing
9 assistance grant or entitlement of indefinite length.

10 (cf: P.L.1985, c.297, s.1)

11

12 28. Section 2 of P.L.1985, c.297 (C.18A:74-3.3) is amended to
13 read as follows:

14 2. [The Division of the State Library, Archives and History, upon
15 the approval of the Commissioner of the Department of Education and
16 the State Board of Education] Thomas Edison State College, after
17 consultation with the State Librarian, shall annually, within the
18 limitations of amounts appropriated by the Legislature, distribute funds
19 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
20 et seq., for audiovisual public library services.

21 (cf: P.L.1985, c.297, s.2)

22

23 29. Section 3 of P.L.1985, c.297 (C.18A:74-3.4) is amended to
24 read as follows:

25 3. [The Division of the State Library, Archives and History, upon
26 the approval of the Commissioner of the Department of Education and
27 the State Board of Education] Thomas Edison State College, after
28 consultation with the State Librarian, shall annually, within the
29 limitations of amounts appropriated by the Legislature, distribute funds
30 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
31 et seq., for library services to persons institutionalized in health,
32 mental health, mental retardation, veterans', residential, correctional
33 and other similar facilities which are operated by or under contract to
34 the State or to county or municipal governments.

35 (cf: P.L.1985, c.297, s.3)

36

37 30. Section 1 of P.L.1981, c.225 (C.18A:74-4.1) is amended to
38 read as follows:

39 1. The [Commissioner of Education] Thomas Edison State
40 College, after consultation with the State Librarian, and after
41 consultation with the Commission for the Blind and Visually
42 Impaired, shall purchase and provide to designated area libraries or
43 other public facilities accessible to the blind or visually impaired that
44 may be appropriate an optical scanner, which converts printed
45 materials into synthetic speech for the benefit of the blind and visually
46 impaired. The [commissioner] President of Thomas Edison State

1 College shall provide for the training of personnel in the proper use of
2 these devices.

3 (cf: P.L.1981, c.225, s.1)

4

5 31. N.J.S.18A:74-6 is amended to read as follows:

6 18A:74-6. There shall be appropriated annually the sum of
7 \$200,000.00 to be distributed by [commissioner upon the approval of
8 the state board] Thomas Edison State College and in accordance with
9 its rules and regulations to meet unforeseeable conditions in any
10 municipality or county, and to encourage the formation and
11 development of larger units of service pursuant to law. The amount
12 of such emergency aid or incentive grant shall be payable by the [state
13 treasurer upon the certification of the commissioner] President of
14 Thomas Edison State College upon certification by the State Librarian.

15 (cf: N.J.S.18A:74-6)

16

17 32. N.J.S.18A:74-7 is amended to read as follows:

18 18A:74-7. On or before November 15 in each year, the
19 [commissioner] State Library shall estimate the amount necessary to
20 be appropriated to carry out the provisions of this chapter for the
21 succeeding fiscal year and shall determine for budget purposes the
22 amount estimated to be payable to each of the counties and
23 municipalities under this chapter for such succeeding year. The
24 [commissioner] State Library shall make such determination for
25 budget purposes upon the basis of the annual appropriations for library
26 purposes for the current calendar year.

27 On or before September 15 of each succeeding year, the
28 [commissioner] State Library shall make [his] the final determination
29 of the payments to be made under this chapter upon the basis of the
30 annual expenditures for library purposes for the preceding calendar
31 year.

32 (cf: N.J.S.18A:74-7)

33

34 33. N.J.S.18A:74-8 is amended to read as follows:

35 18A:74-8. The sums payable as state aid, as finally determined by
36 the [commissioner] State Library shall be payable on October 1
37 following the final determination in each such year. Payments shall be
38 made by the state treasurer upon certificate of the [commissioner]
39 President of Thomas Edison State College, the State Librarian, and
40 warrant of the director of the division of budget and accounting.
41 Payment shall be made to the governing body of each municipality
42 qualifying for aid under this chapter and to the treasurer of each
43 county which supports a regional or county library system, and to the
44 receiving officer designated by each research library center.

45 (cf: N.J.S.18A:74-8)

1 34. N.J.S.18A:74-10 is amended to read as follows:

2 18A:74-10. In order to participate in any apportionment made
3 according to the provisions of this chapter, municipalities and counties
4 shall comply with the regulations and standards which have been, or
5 which may be, prescribed by law or recommended by the advisory
6 council of the [division of the] state library[, archives and history, and
7 approved by the state board] for the operation and improvement of
8 free public libraries to provide efficient and effective library services,
9 to insure public benefit and convenience therefrom and to achieve the
10 objects of this chapter.

11 (cf: N.J.S.18A:74-10)

12

13 35. N.J.S.18A:74-12 is amended to read as follows:

14 18A:74-12. The [commissioner] Department of the Treasury, at
15 the request of the State Librarian, is hereby empowered to withhold
16 any form of state library aid from any municipality, county, or area
17 library which does not comply with the provisions of chapters 33 and
18 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of
19 1947 (C.45:8A-1, et seq.) wherever applicable, or with any rules and
20 regulations duly adopted pursuant to said statutes or this chapter, or
21 which reduces its annual expenditures for library services pursuant to
22 chapters 33 and 54 of Title 40 of the Revised Statutes below the
23 average of those expenditures for normal, recurring, operating costs
24 made during the three years previous to receipt of the first state aid
25 under this chapter.

26 (cf: N.J.S.18A:74-12)

27

28 36. N.J.S.18A:74-13 is amended to read as follows:

29 18A:74-13. There is hereby appropriated for the purposes of this
30 chapter such sums as may be included therefor in any annual or
31 supplemental appropriation. In the event the sums appropriated at any
32 time are insufficient to carry out in full the provisions of this chapter,
33 the [commissioner, with the approval of the state board] State Library
34 shall allocate such sums on the basis of the method of allocation
35 described in this chapter to the extent [that he deems] deemed
36 advisable and practicable. A sum not to exceed 1% of such total
37 annual or supplemental appropriation for the purposes of this chapter
38 may be allocated [by the commissioner] to Thomas Edison State
39 College for the administrative costs thereof.

40 (cf: N.J.S.18A:74-13)

41

42 37. Section 3 of P.L.1973, c.381 (C.18A:74-16) is amended to read
43 as follows:

44 3. For the purposes of this act unless the context clearly indicates
45 otherwise:

46 a. "Act" means the "New Jersey Library Construction Incentive

1 Act."

2 b. "Area" means all or part of one or more political subdivisions
3 of the State of New Jersey.

4 c. "Project," "construction project," "rehabilitation project,"
5 "expansion" or "acquisition," means a project which is eligible for a
6 grant under regulations and standards promulgated under this act.
7 When used alone, "project" means any construction, expansion, or
8 rehabilitation project or acquisition.

9 d. "Public library" means a library that serves free of charges all
10 residents of an area without discrimination and receives its financial
11 support, in whole or in part, from public funds. "Public library" does
12 not include any special-purpose library, such as a law, medical, school
13 or academic library, which are organized to serve a special clientele
14 or purpose.

15 e. "Authorized applicant" means a public library as defined in
16 paragraph d. hereof.

17 f. "Eligible project costs" means costs incurred in a project
18 approved by the [Commissioner of Education] President of Thomas
19 Edison State College, a portion of which may be reimbursed.

20 g. ["Commissioner" means the Commissioner of Education of the
21 State of New Jersey or his designated representative] "President"
22 means the President of Thomas Edison State College.

23 h. "Fiscal year" means the period between July 1 of any calendar
24 year and June 30 of the next succeeding calendar year.
25 (cf: P.L.1973, c.381, s.3)

26

27 38. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to read
28 as follows:

29 4. The administration of this act shall be governed by rules and
30 regulations, recommended by the Advisory Council of the [Division
31 of the] State Library[, Archives and History], and promulgated by
32 [the commissioner] State Librarian with the approval of the State
33 Board of Education] President of Thomas Edison State College.

34 (cf: P.L.1973, c.381, s.4)

35

36 39. Section 5 of P.L.1973, c.381 (C.18A:74-18) is amended to read
37 as follows:

38 5. In order to participate in any grant made according to the
39 provisions of this act, the applicant shall comply with the rules and
40 regulations adopted as provided in section 4 of this act. Application
41 for grants under this act shall be made to the [commissioner]
42 President on forms specified in said rules and regulations.
43 Applications shall be approved by the [commissioner] President in
44 accordance with said rules and regulations. The [commissioner]
45 President is hereby empowered to withhold any grants from any

1 public library which does not comply with said rules and regulations.
2 (cf: P.L.1973, c.381, s.5)

3

4 40. Section 6 of P.L.1973, c.381 (C.18A:74-19) is amended to read
5 as follows:

6 6. The [State] President shall reimburse each authorized applicant
7 whose application has been approved for a portion of its eligible
8 project costs, determined in accordance with the rules and regulations
9 promulgated pursuant to this act.

10 (P.L.1973, c.381, s.6)

11

12 41. Section 7 of P.L.1973, c.381 (C.18A:74-20) is amended to read
13 as follows:

14 7. The following project costs shall be eligible for grants, at the
15 discretion of the [commissioner] President, when incurred after the
16 date of project approval, or after such date as is indicated in
17 paragraphs 3 and 5 of this section:

18 a. Construction of new buildings to be used for public library
19 purposes.

20 b. Expansion, rehabilitation or acquisition of existing buildings to
21 be used for public library purposes.

22 c. Expenses (other than interest and the carrying charge on bonds)
23 related to the acquisition of land on which there is to be construction
24 of new buildings or expansion of existing buildings to be used for
25 public library purposes which are incurred within the [3] three fiscal
26 years preceding the fiscal year in which the project is approved by the
27 [commissioner] President, provided such expenses constitute an
28 actual cost or a transfer of public funds in accordance with the usual
29 procedures generally applicable to all State and local agencies and
30 institutions.

31 d. Site grading and improvement of land on which buildings used
32 for public library purposes are located or are to be located.

33 e. Architectural, engineering, consulting and inspection services
34 related to the specific project for which application for financial
35 assistance is made, provided the costs of such services are incurred
36 within [3] three fiscal years preceding the year in which the project is
37 approved by the [commissioner] President.

38 f. Expenses (other than interest and the carrying charges on bonds)
39 related to the acquisition of existing buildings to be used for public
40 library purposes, provided such expenses constitute an actual cost or
41 a transfer of public funds in accordance with the usual procedures
42 generally applicable to all State and local agencies and institutions.

43 g. Expenses relating to the acquisition and installation of initial
44 equipment to be located in public library facilities, provided by a
45 construction project, including all necessary building fixtures and
46 utilities, office furniture and public library equipment, such as library

1 shelving and filing equipment, card catalogs, cabinets, circulation
2 desks, reading tables, study carrels, booklifts, elevators and
3 information retrieval devices (but not books or other library materials).
4 (cf: P.L.1973, c.381, s.7)

5
6 42. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to read
7 as follows:

8 8. The [commissioner] President shall require that projects
9 constructed with the use of State funds under this act shall, to the
10 extent appropriate be accessible to and usable by handicapped persons.
11 (cf: P.L.1973, c.381, s.8)

12
13 43. Section 9 of P.L.1973, c.381 (C.18A:74-22) is amended to read
14 as follows:

15 9. Whenever public library facilities, items of equipment or land to
16 which the State has contributed funds under this act are not used for
17 the purposes authorized by the act, the [commissioner] President may
18 require that the State be credited with its proportionate share of the
19 fair market value of such facilities, equipment, or land. All moneys so
20 credited shall be remitted to the Treasurer of the State of New Jersey.
21 In no event, however, may the [commissioner] President require that
22 the State be so credited when such facilities, equipment or land have
23 been used in excess of 20 years for the purposes authorized by this
24 act.
25 (cf: P.L.1973, c.381, s.9)

26
27 44. Section 4 of P.L.1956, c.108 (C.40:9A-4) is amended to read
28 as follows:

29 4. The [Commissioner of Education] State Librarian, subject to the
30 approval of the [State Board of Education] President of Thomas
31 Edison State College, shall formulate and promulgate standards for the
32 said federations of libraries to insure the public convenience in the use
33 of such library services.

34 (cf: P.L.1956, c.108, s.4)

35
36 45. R.S.40:33-6 is amended to read as follows:

37 40:33-6. Upon the adoption of the provisions of this article the
38 board of chosen freeholders may contract with an existing library, or
39 library board, within the county or the library commission of a county
40 library already established and furnishing county library services in
41 another county, for the establishment and maintenance of the county
42 free library in accordance with the provisions of this article and
43 subject to the rules and regulations of the board of chosen
44 freeholders. No independently operated county library shall be
45 established hereafter in any county unless a plan for the financing of
46 the same, indicating the amount annually to be assessed, levied and

1 collected in taxes for the establishment and thereafter for the
2 maintenance, thereof, shall be submitted to, and shall be approved as
3 sufficient by, the head of the [bureau of public and school library
4 services] Library Development Bureau in the [Division of the] State
5 Library[, Archives and History in the Department of Education].
6 (cf: P.L.1950, c.189, s.1)

7

8 46. R.S.40:33-8 is amended to read as follows:

9 40:33-8. The county library commission shall organize by the
10 election of a chairman, and shall adopt rules and regulations for the
11 establishment and maintenance of the county library. It shall employ
12 a librarian, if any, as may be required, who shall hold appropriate
13 certificates issued by the State Board of Examiners and such other
14 employees as it shall deem necessary for the performance of its
15 functions. It may purchase such supplies and equipment and incur
16 such expenses as it may deem necessary to carry out the provisions of
17 this article, but shall not incur expenses or make purchases in any
18 fiscal year from public funds in excess of the appropriation for county
19 library purposes for that year. In addition to its other powers, it may
20 accept gifts, devises, legacies and bequests of property, real and
21 personal, and hold and use the property and income of the same in any
22 manner, which is lawful and consistent with the purpose for which the
23 commission is created, and with the provisions of the conveyance, will
24 or other instrument in or under which such gift, devise, legacy or
25 bequest is made and may dispose of the same subject to the same
26 conditions. It shall make an annual report to the financial officer of
27 the county which shall include a statement setting forth in detail all
28 county appropriations made to the library, other public revenues
29 received by the library, all State aid received by the library, all
30 expenditures made by the library and the balance of funds available.
31 The report shall also include an analysis of the state and condition of
32 the library and shall be sent to the county, governing body and to the
33 [Division of] State Library[, Archives and History in the Department
34 of Education]. The [division] State Librarian, with the approval of
35 the President of Thomas Edison State College, shall prescribe by
36 regulation the form of all such reports.

37 (cf: P.L.1985, c.541, s.4)

38

39 47. Section 6 of P.L.1981, c.489 (C.40:33-13.2i) is amended to
40 read as follows:

41 6. The option for reorganization of the county library system
42 provided in this section shall be known as the "Branch Development
43 Option" and shall govern the county library system of any county
44 whose voters have adopted it pursuant to section 5 of this act.

45 a. The county library commission shall establish a branch of the
46 county library in each municipality: (1) which is a member of the

1 county library system upon the effective date of the reorganization of
2 the system; and (2) in which the municipal governing body adopts a
3 resolution approving the establishment of a branch library. The county
4 library commission may establish a joint branch library for two or
5 more adjacent municipalities upon its determination that the library
6 needs of such municipalities could best be served by a joint branch
7 library, and upon the adoption by the governing bodies of all
8 municipalities to be served thereby of joint resolutions, approving the
9 establishment thereof. A branch library or a joint branch library
10 established pursuant to this act shall conform to all standards
11 promulgated by the [Division of the] State Library[, Archives and
12 History] for branch libraries.

13 b. The county library commission shall assure that all branch or
14 joint branch libraries agreed upon pursuant to subsection a. of this
15 section are operating within [3] three calendar years of the effective
16 date of the reorganization of the county library system.

17 c. Any municipality which has agreed to the establishment of a
18 branch library or joint branch library of the county library shall remain
19 a member of the county library system for at least [5] five years
20 following the effective date of the reorganization of the county library
21 system.

22 d. Any municipality which is a member of the county library system
23 and whose governing body does not approve the establishment of a
24 branch library or a joint branch library shall remain a member of the
25 county library system until such time as it elects to withdraw from the
26 system in the manner provided in chapter 33 of Title 40 of the
27 Revised Statutes. The governing body of such a municipality may, by
28 resolution, request that the county library establish a branch library or
29 a joint branch library at any time following the effective date of the
30 reorganization of the county library system, in the manner provided
31 in subsection a.

32 (cf: P.L.1981, c.489, s.6)

33

34 48. Section 7 of P.L.1981, c.489 (C.40:33-13.2j) is amended to
35 read as follows:

36 7. The option for reorganization of the county library system
37 provided in this section shall be known as the "Service Contract
38 Option" and shall govern the county library system of any county
39 whose voters have adopted it pursuant to section 5 of this act.

40 a. The county library commission shall offer a contract to any of
41 the municipalities identified by the county library study commission in
42 its report to provide such municipalities with sufficient staff and
43 materials to insure compliance with standards promulgated by the
44 [Division of the] State [Library, Archives and History] Librarian,
45 with the approval of the President of Thomas Edison State College,
46 for library service in those municipalities. Municipalities shall accept

1 or reject such contracts by resolution of the governing body.

2 Any municipality which accepts a contract shall determine an
3 appropriate geographic location within the municipality for the staff
4 and materials provided by the county library.

5 b. Any municipality which rejects a contract pursuant to this
6 section and is a member of the county library system shall remain a
7 member of the system until such time as it elects to withdraw from the
8 system in the manner provided in chapter 33 of Title 40 of the
9 Revised Statutes.

10 (cf: P.L.1981, c.489, s.7)

11

12 49. Section 8 of P.L.1981, c.489 (C.40:33-13.2k) is amended to
13 read as follows:

14 8. The option for reorganization of the county library system
15 provided in this section shall be known as the "Tax Base Sharing
16 Option," and shall be available only to any county in which revenues
17 from the dedicated county library tax established pursuant to
18 R.S.40:33-9 or P.L.1977, c.300 (C.40:33-15 et seq.) have been
19 derived from less than 75% of the total assessed property of the
20 county in the calendar year prior to the establishment of the county
21 library study commission. This option shall govern the county library
22 system of any qualified county whose voters have adopted it pursuant
23 to section 5 of this act.

24 a. The governing body of the county shall annually determine a
25 sum sufficient to distribute among certain municipalities and the
26 county according to the following formula:

27 $A = CBS + CRS + LRS$ where: A is the total tax pool to be
28 distributed; CBS is the county base share and is determined as
29 $.0000666 \times$ the apportionment valuation of the county; CRS is the
30 county residual share and is determined as $[A - CBS] \times .60$; and LRS
31 is the local residual share and is determined as $[A - CBS] \times .40$.

32 The county base share (CBS) shall be appropriated to the county
33 library which shall receive no funds from the library tax provided for
34 in R.S.40:33-9 or from the library tax established in P.L.1977, c.300
35 (C.40:33-15 et seq.). The local residual share (LRS) shall be
36 distributed among those municipalities not members of the county
37 library system on January 1, 1982. Each such municipality shall be
38 apportioned an amount of those revenues in a proportion equal to the
39 proportion which that municipality's apportionment valuation is of the
40 apportionment valuation of all such municipalities. Any municipality
41 receiving revenues from the tax base sharing option provided in this
42 section shall appropriate those funds directly to the board of trustees
43 of any library within its borders funded by the municipality in the
44 calendar year prior to the reorganization of the county library system.

45 b. For each year following the reorganization of the county library
46 system, the county library distribution (CBS + CRS) from the formula

1 established in subsection a. of this section shall not be less than the
2 appropriation made to the county library in the calendar year
3 immediately prior to the reorganization of the county library system;
4 provided, however, that in the first calendar year following the
5 reorganization of the county library system, the county library shall
6 receive an appropriation not less than an amount equal to the
7 appropriation made to the county library in the calendar year preceding
8 the reorganization of the system and not more than an amount equal
9 to the prior year's appropriation plus 10% of that appropriation.

10 In each year following the reorganization of the county library
11 system, the governing body of any municipality not a member of the
12 county library system shall appropriate to any library in the
13 municipality which was funded by the municipality prior to the
14 reorganization of the county library system a sum of money not less
15 than the average appropriation made to such libraries in the [3] three
16 years occurring immediately prior to the reorganization of the county
17 library system. The governing body shall also provide any in-kind
18 benefits or the cash equivalent thereof, which were provided to such
19 libraries during that preceding period.

20 c. The county library shall receive State aid as provided in the
21 "State Library Aid Law" (N.J.S.18A:74-1 et seq.) based on
22 expenditures from the total appropriation from the tax base sharing
23 option made to the county library and the total resident population of
24 the county. Any library located within a municipality not a member
25 of the county library system shall receive State aid as provided in the
26 "State Library Aid Law" based on expenditures from the total
27 appropriation made to the library from the municipality and from the
28 portion of the local residual share received by the municipality as
29 provided in subsection a. of this section. Any municipality which is
30 a member of the county library system and which supports a library
31 shall receive State aid as provided in the "State Library Aid Law"
32 based on the total appropriation made by the municipality for library
33 purposes.

34 d. The county library shall make all of its patron services available
35 to all residents of the county. For the purpose of this act "patron
36 services" means services rendered by a library directly to patrons as
37 distinguished from those services rendered to other libraries. Patron
38 services shall include circulation of library materials, reference
39 assistance, and public programs.

40 e. A municipality which maintains a municipal public library within
41 the county shall not dissolve its municipal public library for a period
42 of [2] two calendar years from the effective date of the reorganization
43 of the county library system.

44 f. The county library commission may offer a service contract for
45 library services to any municipality within the county for any library
46 services performed by the county library. Any such contracts shall

1 conform to the contracts established in section 7 of this act.

2 g. The county library study commission shall remain in existence
3 for [1] one calendar year after the effective date of such
4 reorganization. It shall be the responsibility of the commission to
5 evaluate the tax base sharing option and to determine if the
6 appropriation for the county library system is sufficient to provide
7 patron services to all residents of the county and that such services
8 are in compliance with standards promulgated by the [Division of the]
9 State Library[, Archives and History] for such libraries. The
10 commission shall make a report of its findings to the county governing
11 body within [1] one calendar year of the reorganization of the county
12 library system.

13 (cf: P.L.1981, c.489, s.8)

14

15 50. Section 11 of P.L.1981, c.489 (C.40:33-13.2n) is amended to
16 read as follows:

17 11. The [Division of the] State [Library, Archives and History]
18 Librarian, with the approval of [the State Board of Education] the
19 President of Thomas Edison State College is authorized to
20 promulgate, pursuant to the "Administrative Procedure Act,"
21 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it
22 deems necessary to effectuate the purposes of this act.

23 (cf: P.L.1981, c.489, s.11)

24

25 51. Section 3 of P.L.1962, c.134 (C.40:33-13.5) is amended to read
26 as follows:

27 3. The regional library agreement may, from time to time, be
28 amended or supplemented by the adoption of similar resolutions by all
29 the boards of chosen freeholders of the participating counties. A copy
30 of the original regional library agreement, of any amendments or
31 supplements thereto and of the resolutions approving such agreement,
32 amendments or supplements shall be filed with the [Commissioner of
33 Education] State Librarian and with the Director of the Division of
34 Local Government.

35 (cf: P.L.1962, c.134, s.3)

36

37 52. Section 12 of P.L.1962, c.134 (C.40:33-13.14) is amended to
38 read as follows:

39 12. The board of trustees may enter into agreements with the
40 governing body of any municipality which is not then served by the
41 regional library to increase or improve the library services available to
42 the residents of said municipality or to the residents of the
43 municipalities then served by the regional library. Any such
44 agreement shall specify the services to be rendered by the regional
45 library and by the municipality and the amount and nature of payment
46 of any consideration for such services. Any municipality may enter

1 into such agreements with the board of trustees for periods of not
2 more than [5] five years and may renew such agreements for like
3 periods.

4 No such agreement shall be concluded (a) without the approval of
5 the boards of chosen freeholders of the counties participating in the
6 regional library and, (b) in the event that the municipality maintains
7 a municipal public library, without the approval of the board of
8 trustees of such library. Such agreement may be amended and
9 supplemented, from time to time, and a copy of such agreement,
10 amendments and supplements, together with resolutions of the board
11 of trustees approving such agreement, amendments and supplements,
12 shall be filed with the [Commissioner of Education] State Librarian
13 and with the Director of the Division of Local Government.

14 (cf: P.L.1962, c.134, s.12)

15

16 53. Section 5 of P.L.1985, c.541 (C.40:54-8.1) is amended to read
17 as follows:

18 5. Any increase in the amount raised by taxation for the municipal
19 library as required by R.S.40:54-8 shall not exceed the total amount
20 expended by the municipality in the previous year plus 15% of the
21 previous year's total expenditures for the maintenance of a free public
22 library; except that the [director of the Division of] State [Library,
23 Archives and History in the Department of Education] Librarian is
24 authorized to approve additional appropriations to any municipality
25 that requests to appropriate an amount in excess of 15% of the
26 previous year's total library expenditures.

27 (cf: P.L.1985, c.541, s.5)

28

29 54. R.S.40:54-12 is amended to read as follows:

30 40:54-12. The board shall hold in trust and manage all property of
31 the library. It may rent rooms, or, when proper, construct buildings for
32 the use of the library, purchase books, pamphlets, documents, papers
33 and other reading matter, hire librarians, and other necessary
34 personnel, and fix their compensation, make proper rules and
35 regulations for the government of the library, and generally do all
36 things necessary and proper for the establishment and maintenance of
37 the free public library in the municipality. The board may also transfer
38 to and receive from [the deposit and exchange library service of the
39 Bureau of Public and School Library Services, of the Division of the
40 State Library, Archives and History, in the State Department of
41 Education,] other libraries books, magazines, prints, maps and other
42 related library materials for the purpose of augmenting the interlibrary
43 loan service.

44 (cf: P.L.1949, c.98, s.1)

45

46 55. R.S.40:54-15 is amended to read as follows:

1 40:54-15. The board of trustees shall make an annual report to the
2 chief financial officer of the municipality which shall include a
3 statement setting forth in detail all public revenues received by the
4 library, all State aid received by the library, all expenditures made by
5 the library and the balance of funds available. The annual report shall
6 also include an analysis of the state and condition of the library and
7 shall be sent to the municipal governing body and to the [Division of]
8 State Library[, Archives and History in the Department of Education].
9 The [division] State Librarian shall prescribe by regulation the form
10 of all such reports.

11 (cf: P.L.1985, c.541, s.2)

12

13 56. Section 3 of P.L.1959, c.155 (C.40:54-29.5) is amended to read
14 as follows:

15 3. After the introduction of an ordinance approving such joint
16 library agreement, which may be incorporated by reference therein,
17 such agreement shall be and remain on file for public inspection in the
18 municipal clerk's office from the time of introduction of such
19 ordinance and such ordinance shall so state. A copy of such
20 ordinance and of the joint library agreement shall be filed with [the
21 Commissioner of the Department of Education] State Librarian and
22 the Director of the Division of Local Government. Subsequent
23 amendments and supplements to such ordinance and agreement shall
24 be filed in like manner.

25 (cf: P.L.1959, c.155, s.3)

26

27 57. Section 21 of P.L.1959, c.155 (C.40:54-29.23) is amended to
28 read as follows:

29 21. When such discontinuance has been agreed upon or determined
30 and if the governing body of the municipality proposing such
31 discontinuance shall determine to proceed therewith,

32 (a) such governing body shall introduce an ordinance authorizing
33 and directing the submission to the legal voters the question whether
34 said municipality shall discontinue participation in the joint library
35 pursuant to said agreement or determination, which agreement or
36 determination may be incorporated by reference in said ordinance
37 provided said agreement or determination shall be and remain on file
38 in the office of the municipal clerk for public inspection;

39 (b) if said ordinance shall be adopted, a copy thereof and of said
40 agreement or determination shall be filed with the Director of the
41 Division of Local Government and the [Commissioner of the
42 Department of Education] State Librarian; and

43 (c) the question of such discontinuance shall be submitted to the
44 legal voters of such municipality at the next general election to be held
45 therein not less than 40 days after the adoption of said ordinance, and
46 said agreement or determination shall remain on file in the office of

1 the municipal clerk for public inspection pending such election.
2 (cf: P.L.1959, c.155, s.21)

3

4 58. (New section) Unless provided for elsewhere to the contrary,
5 the State Library, with the approval of the President of Thomas Edison
6 State College, may promulgate, pursuant to the Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules as
8 the State Librarian deems necessary for the administration of the State
9 Library.

10

11 59. (New section) The State Library building located at 185 East
12 State Street in Trenton, Mercer County, and the State Library for the
13 Blind and Handicapped, located at 2300 Stuyvesant Avenue in
14 Trenton, Mercer County, shall remain the property of the State of New
15 Jersey. Each building shall be maintained by the Department of
16 Treasury and be entitled to all of the services provided to other State
17 buildings in the Capitol Complex. Any additional costs incurred by the
18 State Library for services at those buildings shall be paid by Thomas
19 Edison State College from the direct State services portion of the
20 annual appropriation for the State Library. The contents of the
21 buildings, including but not limited to the furniture, equipment, State
22 Library collection and library materials, shall be the property of the
23 State of New Jersey, but shall be available to Thomas Edison State
24 College for the use of the State Library and the employees thereof.

25

26 60. (New section) a. The State Treasurer shall disburse to Thomas
27 Edison State College the amount of funds appropriated in the direct
28 State services portion of the annual appropriation for the State
29 Library. The funds shall be paid to the college in four equal
30 installments beginning on July 1 of each year. Thomas Edison State
31 College shall deposit all such funds into separate accounts to be used
32 solely for State Library purposes.

33 b. The State Treasurer shall disburse to Thomas Edison State
34 College the amount of funds appropriated in the State aid portion of
35 the annual appropriation for the State Library. The funds shall be paid
36 to the college on a drawdown schedule to be prepared by Thomas
37 Edison State College and approved by the Office of Management and
38 Budget. Thomas Edison State College shall deposit all such funds into
39 separate accounts to be used solely for State Library purposes.

40 c. Each year, Thomas Edison State College shall prepare and
41 submit to the Office of Management and Budget in the Department of
42 the Treasury a proposed budget for the operation of the State Library
43 during the following fiscal year at the same time that Thomas Edison
44 State College prepares and submits to the Secretary of State for
45 submission to Office of Management and Budget a proposed budget
46 for the operation of the college during the following fiscal year.

1 d. Funds disbursed to Thomas Edison State College for the
2 operations of the State Library, although maintained in separated
3 accounts, shall be considered college funds for all purposes related to
4 purchasing, including for the purposes of the "State College Contracts
5 Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

6 e. Thomas Edison State College is authorized to accept donations
7 on behalf of the State Library and those donated funds shall be
8 maintained in separate accounts to be used solely for State Library
9 purposes.

10 f. Thomas Edison State College shall be entitled to use, solely for
11 State Library purposes, the interest income from any public or private
12 fund established to support the programs and services of the State
13 Library to the extent permitted by law and the terms of the fund.

14 g. Thomas Edison State College shall conduct an independent
15 financial audit of the State Library accounts each year, including
16 accounts that receive federal funds, and shall submit copies of the
17 same to the Department of the Treasury, with the cost of such audits
18 funded from the direct State services portion of the annual
19 appropriation for the State Library.

20 h. Thomas Edison State College shall be responsible for the
21 maintenance of all financial records that involve the operations of the
22 State Library, including those records that relate to federal funds.

23
24 61. (New section) All transfers directed by this act, except as
25 otherwise provided herein, shall be made in accordance with the "State
26 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

27
28 62. Sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and
29 18A:73-42) are repealed.

30
31 63. This act shall take effect immediately.

32
33
34 STATEMENT

35
36 The purpose of this bill is to transfer administrative control of the
37 State Library, together with its functions, powers and duties, to
38 Thomas Edison State College.

39 Prior to 1983, the State Library, together with the State Museum,
40 Bureau of Records Management Services, Archives Section and the
41 New Jersey Historical Commission, were all located in the Department
42 of Education. For the State Library, current statutes reflect this
43 allocation. Pursuant to 1983 reorganization plans, the State Museum,
44 Historical Commission, Bureau of Records Management Services and
45 Archives Section were transferred to the Department of State and the
46 State Library stayed in the Department of Education.

1 In 1996, Governor Whitman issued Executive Reorganization Plan
2 002-1996, which transferred the State Library to the Department of
3 State. At the same time, the Department of State executed a
4 contractual agreement with Thomas Edison State College to
5 administer the daily operations of the State Library. This agreement
6 continues in effect today.

7 The bill amends and supplements current law to reflect both the
8 executive reorganization plan and the contractual agreement.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3207

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 2001

The Assembly Education Committee favorably reports Assembly Bill No. 3207 with committee amendments.

As amended, this bill transfers administrative control of the State Library, together with its functions, powers and duties, to Thomas Edison State College.

Prior to 1983, the State Library, together with the State Museum, Bureau of Records Management Services, Archives Section and the New Jersey Historical Commission, were all located in the Department of Education. For the State Library, current statutes reflect this allocation. Pursuant to 1983 reorganization plans, the State Museum, Historical Commission, Bureau of Records Management Services and Archives Section were transferred to the Department of State and the State Library stayed in the Department of Education.

In 1996, former Governor Christine Todd Whitman issued Executive Reorganization Plan 002-1996, which transferred the State Library to the Department of State. At the same time, the Department of State executed a contractual agreement with Thomas Edison State College to administer the daily operations of the State Library. This agreement continues in effect today.

The bill amends and supplements current law to reflect both the executive reorganization plan and the contractual agreement.

Under the bill, Thomas Edison State College will be responsible for the administration of the State Library which will be in, but not of, the Department of State. The President of the college is directed to appoint the State Librarian who, with the approval and under the supervision of the college, will direct and administer the work of the library. In addition, the President of the college or a designee, is authorized to appoint all professional staff in the library and such other personnel as necessary for the work of the library. The employees of the library will be considered employees of Thomas Edison State College, but the State is responsible for paying the entire employer contribution of the pension and benefits costs for the employees whose salaries will be funded from the direct State services portion of the annual appropriation for the State Library.

The State Library building, located at 185 East State Street in Trenton, and the State Library for the Blind and Handicapped, located at 2300 Stuyvesant Avenue in Trenton, will remain the property of the State of New Jersey. Each building will be maintained by the Department of Treasury and entitled to all of the services provided to other State buildings in the Capitol Complex. Any additional costs incurred by the State Library for services at those buildings will be paid by Thomas Edison State College from the direct State services portion of the annual appropriation for the State Library.

The bill repeals two sections of the law, one section dealing with joint meetings called by the Commissioner of Education and the other providing for the continuation of the office of the State Librarian under the provisions of the present statute.

An amendments was adopted to omit reference to a deleted paragraph.

As reported by committee, this bill is identical to Senate Bill No. 2113 (1R).

[First Reprint]

ASSEMBLY, No. 3207

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 5, 2001

Sponsored by:

Assemblyman LEONARD LANCE

District 23 (Warren, Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman Heck

SYNOPSIS

Transfers State Library to Thomas Edison State College.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on May 21, 2001, with amendments.



(Sponsorship Updated As Of: 6/22/2001)

1 AN ACT concerning the State Library, amending and supplementing
2 various sections of the statutory law, and repealing sections 14 and
3 27 of P.L.1969, c.158 (C.18A:73-29 and 18A:73-42).

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

7
8 1. N.J.S.2A:12-6 is amended to read as follows:

9 2A:12-6. The Administrative Director of the Courts is authorized
10 to distribute or cause to be distributed any bound volumes of the New
11 Jersey Reports and the New Jersey Superior Court Reports heretofore
12 or hereafter published and delivered to him, as follows:

13 To each member of the Legislature, one copy of each volume of
14 such reports.

15 To the following named, for official use, to remain the property of
16 the State, the following number of copies of each volume of such
17 reports:

18 a. To the Governor, four copies;

19 b. To the Department of Law and Public Safety, for the Division
20 of Law, four copies; and the Division of Alcoholic Beverage Control,
21 one copy;

22 c. To the Department of the Treasury, for the State Treasurer, one
23 copy; the Division of Taxation, three copies; and the Division of Local
24 Government Services in the Department of Community Affairs, one
25 copy;

26 d. To the Department of State, one copy;

27 e. To the Department of Personnel, one copy;

28 f. To the Department of Banking[, one copy; and the Department
29 of] and Insurance, [one copy] two copies;

30 g. To the Board of Public Utilities in the Department of the
31 Treasury, one copy;

32 h. To the Department of Labor, for the commissioner, one copy;
33 the Division of Workers' Compensation, five copies; the State Board
34 of Mediation, one copy; and the Division of Employment Security,
35 three copies;

36 i. To the Department of Education, for the commissioner, one
37 copy; [and the Division of the State Library, Archives and History,
38 60 copies, five of which shall be deposited in the Law Library, and 55
39 of which shall be used by the director of the division in sending one
40 copy to the state library of each state and territory of the United
41 States, the same to be in exchange for the law reports of such states

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AED committee amendments adopted May 21, 2001.

- 1 and territories sent to said division, which reports shall be deposited
2 in and become part of the collection of the Law Library;]
- 3 j. To the Department of Transportation, one copy;
- 4 k. To the Department of Human Services, one copy; and the
5 Department of Corrections, one copy;
- 6 l. To each judge of the federal courts in and for the district of New
7 Jersey, one copy;
- 8 m. To each justice of the Supreme Court, one copy;
- 9 n. To each judge of the Superior Court, one copy;
- 10 o. To the Administrative Director of the Courts, one copy;
- 11 p. To each standing master of the Superior Court, one copy;
- 12 q. (Deleted by amendment, P.L.1983, c.36.)
- 13 r. To the clerk of the Supreme Court, one copy;
- 14 s. To the clerk of the Superior Court, one copy;
- 15 t. (Deleted by amendment, P.L.1983, c.36.)
- 16 u. (Deleted by amendment, P.L.1983, c.36.)
- 17 v. (Deleted by amendment, P.L.1991, c.91.)
- 18 w. (Deleted by amendment, P.L.1991, c.91.)
- 19 x. To each county prosecutor, one copy;
- 20 y. To the Central Management Unit in the Office of Legislative
21 Services, one copy;
- 22 z. To each surrogate, one copy;
- 23 aa. To each county clerk, one copy;
- 24 ab. To each sheriff, one copy;
- 25 ac. To Rutgers, The State University, two copies; and the law
26 schools, five copies each;
- 27 ad. To the law school of Seton Hall University, five copies;
- 28 ae. To Princeton University, two copies;
- 29 af. To the Library of Congress, four copies;
- 30 ag. To the New Jersey Historical Society, one copy;
- 31 ah. To every library provided by the board of chosen freeholders
32 of any county at the courthouse in each county, one copy;
- 33 ai. To the library of every county bar association in this State, one
34 copy;
- 35 aj. To each incorporated library association in this State, which has
36 a law library at the county seat of the county in which it is located, one
37 copy;
- 38 ak. To each judge of the tax court, one copy;
- 39 al. The State Library, 60 copies, five of which shall be deposited
40 in the Law Library, and 55 of which shall be used by the State
41 Librarian to send one copy to the state library of each state and
42 territory of the United States, the same to be in exchange for the law
43 reports of such states and territories sent to the State Library, which
44 reports shall be deposited in and become part of the collection of the
45 Law Library.

1 The remaining copies of such reports shall be retained by the
2 administrative director for the use of the State and for such further
3 distribution as he may determine upon.

4 (cf: P.L.1991, c.91, s.29)

5
6 2. N.J.S.18A:4-34 is amended to read as follows:

7 18A:4-34. Each assistant commissioner shall perform such duties
8 in the public school system of the State as may from time to time be
9 assigned to him by the commissioner, which shall include, but need not
10 be limited to, any one or more of the following:

11 a. The supervision of curriculum and instruction;

12 b. The supervision of vocational education;

13 c. The hearing and determination of controversies and disputes
14 which may arise under the school laws, or the rules of the State board,
15 or of the commissioner; and

16 d. The supervision of business and financial matters[; and

17 e. The supervision of the Division of the State Library, Archives
18 and History].

19 (cf: P.L.1977, c.322, s.2)

20
21 3. Section 11 of P.L.1969 c.158 (C.18A:73-26) is amended to read
22 as follows:

23 11. Upon the enactment of P.L. , c. (C.)(now pending
24 before the Legislature as this bill), Thomas Edison State College shall
25 be responsible for the administration [The Division] of the State
26 Library [, Archives and History in the State Department of Education
27 is continued]. The State Library shall be in, but not of, the
28 Department of State.

29 (cf: P.L.1969, c.158, s.11)

30
31 4. Section 12 of P.L.1969 c.158 (C.18A:73-27) is amended to read
32 as follows:

33 12. The [division] State Library shall consist of [an assistant
34 commissioner] the State Librarian and an advisory council and such
35 other personnel as the [Commissioner of Education] President of
36 Thomas Edison State College may deem necessary for the efficient
37 administration thereof.

38 (cf: P.L.1977, c.322, s.3)

39
40 5. Section 13 of P.L.1969, c.158 (C.18A:73-28) is amended to
41 read as follows:

42 13. There shall be within the [Division of the] State Library[,
43 Archives and History] an advisory council which shall be designated
44 as the Advisory Council of the [Division of the] State Library[,
45 Archives and History]. Such advisory council shall consist of [8]

1 eight members. The [commissioner] President of Thomas Edison
2 State College or the designee thereof shall serve as a member ex
3 officio. The other [7] seven members shall be appointed by the
4 Governor by and with the advice and consent of the Senate for a term
5 of [5] five years, beginning on July 1, and ending June 30, except as
6 hereinafter provided. [The 5 appointed members serving on the
7 effective date of this act shall continue in office for the remainder of
8 the respective terms for which they were appointed. The 2 additional
9 members shall be appointed one for a term ending 4 years and one for
10 a term ending 5 years from the June 30 following the effective date of
11 this act.] Each member shall serve until his successor has been
12 appointed and qualified. In case of a vacancy, however, occurring, the
13 successor shall be appointed in like manner for the unexpired term
14 only. [The State Librarian shall serve in the capacity of the secretary
15 of the council.] The council shall meet at least 4 times a year. It
16 shall frame and modify by-laws for its own government, and elect its
17 chairman and other officers. Any member of the advisory council may
18 be removed from office by the Governor for cause, upon notice and
19 opportunity to be heard.

20 (cf: P.L.1969, c.158, s.13)

21

22 6. Section 15 of P.L.1969, c.158 (C.18A:73-30) is amended to
23 read as follows:

24 15. The members of the advisory council shall serve without
25 compensation, but shall be reimbursed by Thomas Edison State
26 College for necessary expenses incurred in the performance of their
27 duties under this act. The expenses shall be paid from the direct State
28 services portion of the annual appropriation for the State Library.

29 (cf: P.L.1969, c.158, s.15)

30

31 7. Section 16 of P.L.1969, c.158 (C.18A:73-31) is amended to
32 read as follows:

33 16. The advisory council shall give advice and make
34 recommendations to:

35 (a) The [Commissioner of Education] President of Thomas Edison
36 State College with regard to the appointment of the State Librarian;

37 (b) The [Commissioner of Education] President of Thomas Edison
38 State College and the State Librarian with regard to

39 (1) The policies and operations of the [Division of the] State
40 Library[, Archives and History] and the State's library program;

41 (2) The adoption, amendment or rescission of such rules and
42 regulations as may be necessary for the implementation of this act;

43 (3) Minimum standards of library service;

44 (4) The apportionment of State aid to libraries;

45 (5) Contractual arrangements for library services to which the

1 [State Department of Education] State Library is a party.

2 (cf: P.L.1969, c.158, s.16)

3

4 8. Section 17 of P.L.1969 C.158 (C.18A:73-32) is amended to
5 read as follows:

6 17. The [assistant commissioner for the division shall be the] State
7 Librarian[.

8 The assistant commissioner] shall be a graduate of an accredited
9 university or college and shall, prior to [his] the appointment, have
10 graduated from a school of library service accredited by the American
11 Library Association, and have had at least [4] four years of library
12 experience in a responsible administrative capacity.

13 (cf: P.L.1977, c.322, s.4)

14

15 9. Section 18 of P.L.1969 c.158 (C.18A:73-33) is amended to read
16 as follows:

17 18. The position of State Librarian is hereby established.

18 The President of Thomas Edison State College shall appoint the
19 State Librarian. The State Librarian shall head the [division] State
20 Library and shall, with the approval and under the supervision of [the
21 Commissioner of Education] Thomas Edison State College:

22 (a) Direct and administer the work of the [division] library;

23 (b) Administer all laws which are by their terms included under the
24 jurisdiction of the [division] library;

25 (c) Establish and organize the bureaus therein;

26 (d) Allocate the duties to be performed by the personnel of the
27 State Library and the bureaus established within the library;

28 (e) Prescribe such rules and regulations, not inconsistent with law,
29 as may be necessary to effectuate his powers and duties under this act;

30 (f) Prescribe minimum standards of service for libraries in the State
31 of New Jersey as may be necessary to effectuate [his] the State
32 Librarian's powers under the law.

33 (cf: P.L.1969, c.158, s.18)

34

35 10. Section 6 of P.L.1983, c.486 (C.18A:73-33.1) is amended to
36 read as follows:

37 6. In addition to the duties prescribed in section 18 of P.L.1969,
38 c.158 (C.18A:73-33), the State Librarian shall on or before October
39 31 of each year prepare an annual report on the activities of the library
40 network for the preceding year. The report shall be transmitted to the
41 [commissioner] President of Thomas Edison State College who, upon
42 [his] the approval of the report thereby, shall transmit it to [the State
43 Board of Education, and to] the Governor, the Thomas Edison State
44 College Board of Trustees and the Chairman of the [Education] State
45 Government Committee, or successor committee, of each House of the

1 Legislature. The report shall set forth a complete operating and
2 financial statement covering the library network's operation during the
3 preceding year. ¹[The report shall also contain such information as
4 may be necessary to provide an adequate description of the measures
5 taken in the previous year to implement the plan for the library
6 network submitted pursuant to subsection b. of this section, the
7 performance of the library network in accordance with that plan, and
8 an explanation of any changes or additions made in or to that plan
9 during that year.]¹

10 b. [The first report submitted pursuant to subsection a. of this
11 section shall contain a plan for the establishment of the library
12 network; the designation of library regions; the structure, organization,
13 and governance of regional library cooperatives; the designation of
14 libraries to provide cooperative library services to the library network;
15 and a proposed budget for the first year of the library network's
16 operations.] Deleted by amendment, P.L. , c. (now pending
17 before the Legislature as this bill).

18 (cf: P.L.1983, c.486, s.6)

19

20 11. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
21 read as follows:

22 19. a. The ~~[Commissioner of Education]~~ President of Thomas
23 Edison State College or the designee thereof shall, with the advice of
24 the State Librarian, appoint all professional staff in the ~~[division]~~
25 library, and fix the compensation of all such persons thus appointed.
26 ~~[He]~~ The President of Thomas Edison State College or the designee
27 thereof shall appoint such other personnel as ~~[he]~~ that person may
28 consider necessary for the efficient performance of the work of the
29 ~~[division]~~ library and fix their compensation. All persons thus
30 appointed shall be subject to the provisions of Title ~~[11]~~ 11A, Civil
31 Service, of the ~~[Revised]~~ New Jersey Statutes.

32 b. For all purposes, the employees of the State Library shall be
33 considered employees of Thomas Edison State College.

34 c. Thomas Edison State College shall maintain, in a manner
35 acceptable to the Department of Personnel, the personnel records of
36 all employees and positions currently on staff and funded. All such
37 records shall be subject to audit by the Department of Personnel.

38 d. The State shall be responsible for paying the entire employer
39 contribution of the pension and benefits costs for the State Library
40 employees whose salaries are funded from the direct State services
41 portion of the annual appropriation for the State Library.

42 (cf: P.L.1969, c.158, s.19)

43

44 12. Section 20 of P.L.1969 c.158 (C.18A:73-35) is amended to
45 read as follows:

1 20. The [division] State Library shall:

2 (a) Maintain library resources and information services over a
3 broad range of subjects which affect the educational, intellectual,
4 cultural, economic and political life of the State;

5 (b) Provide special library services for the legislative, executive and
6 judicial branches of State Government, supplemental library service for
7 New Jersey libraries and citizens and direct library service for the
8 handicapped;

9 (c) Purchase or otherwise acquire, and maintain a general
10 collection of books, periodicals, newspapers, maps, slides, films and
11 other library materials for the use of State and local governments,
12 libraries, and the public generally; and exchange, discard, sell, or
13 otherwise dispose of books and library materials as required within
14 the purposes stated herein and all moneys to be secured from such
15 sales shall be paid into the treasury to be used for the benefit of the
16 State Library when appropriated to that purpose;

17 (d) Maintain as part of the State Library, a general reference
18 service; a legislative reference service; a law library service; a
19 documents depository service; an archival service for New Jersey
20 materials; a records management service for State and local
21 governments; a deposit and exchange service for library materials; an
22 interlibrary loan service; an advisory service for public libraries,
23 school libraries, libraries of institutions of higher education, industrial,
24 commercial and other special libraries, State department and agency
25 libraries, and the libraries the State maintains within the institutions
26 carrying out its health, welfare and correctional programs; and a
27 library service for the handicapped; and provide such other services as
28 may be required by law;

29 (e) Preserve the records of the history of New Jersey through its
30 official archives and other materials and promote interest and research
31 in the history of the State;

32 (f) Co-ordinate a State-wide system of libraries in New Jersey, and
33 administer State and Federal programs for the development of
34 libraries, library facilities, library resources and library services in New
35 Jersey, and require such reports as are necessary for the proper
36 administration of its duties and for the gathering and publishing of
37 annual and occasional statistics on libraries in the State;

38 (g) Promote and demonstrate library service throughout the State,
39 and study library problems and needs in New Jersey and make the
40 resultant findings known generally.

41 (cf: P.L.1969, c.158, s.20)

42

43 13. Section 2 of P.L.1983, c.486 (C.18A:73-35b) is amended to
44 read as follows:

45 2. The Legislature finds and declares that promoting cooperation
46 among the various types of libraries in New Jersey will provide this

1 State's residents with full and equal access to library materials and
2 programs not currently available within their communities; that
3 increased cooperation and access will help control the cost of
4 maintaining local libraries, while providing for improved services; that
5 establishing a library network can best be accomplished by assisting
6 libraries to form cooperatives on a regional basis and by having the
7 [Division of the] State Library[, Archives and History] promote,
8 coordinate and fund such cooperative efforts, as well as provide and
9 coordinate library services on a Statewide basis.

10 (cf: P.L.1986, c.174, s.1)

11
12 14. Section 3 of P.L.1983, c.486 (C.18A:73-35c) is amended to
13 read as follows:

14 3. As used in this act:

15 a. ["Commissioner"] "President" means the [Commissioner of the
16 Department of Education] President of Thomas Edison State College
17 or the designee thereof ;

18 b. ["Division"] "State Library" means the [Division of the State
19 Library, Archives and History in the Department of Education]
20 State's research library and depository for State and federal documents
21 affiliated with Thomas Edison State College;

22 c. "Library" means any library eligible for advisory service from
23 the division as provided in subsection d. of section 20 of P.L.1969,
24 c.158 (C.18A:73-35); any county audiovisual aids center established
25 pursuant to N.J.S. 18A:51-1 et seq.; and any educational
26 [improvement] information and resource center established pursuant
27 to [P.L.1978, c.58 (C.18A:6-95 et seq.)] P.L.1983, c.486 (C.18A:73-
28 35a et seq.);

29 d. "Library region" means a geographic area designated by the
30 State Librarian pursuant to this act within which libraries may establish
31 a regional library cooperative;

32 e. "Library network" means all libraries in all regional library
33 cooperatives, the State Library, and any library providing services to
34 other libraries; and

35 f. "Regional library cooperative" means a membership organization
36 of libraries within a library region which has agreed to provide and
37 receive cooperative library services.

38 (cf: P.L.1983, c.486, s.3)

39
40 15. Section 4 of P.L.1983 , c.486 (C.18A:73-35d) is amended to
41 read as follows:

42 4. In addition to the duties prescribed in section 20 of P.L.1969,
43 c.158 (C.18A:73-35), the [division] State Library shall establish,
44 organize, supervise and fund the library network, as well as provide
45 library services on a regional as well as a Statewide basis. To

1 effectuate the purposes of this act, the [division] State Library shall:
2 a. establish library regions to encompass all of the State's territory; b.
3 provide for the creation, structure, funding, and governance of a
4 regional library cooperative for each library region; c. enter into
5 contracts with any library or service-providing agency to provide
6 cooperative library services to any members of the library network; d.
7 determine the kinds of cooperative services to be provided and
8 received by members of the network; and e. provide direct services to
9 members of the network, on a regional as well as a Statewide basis.
10 (cf: P.L.1986, c.174, s.2)

11

12 16. Section 8 of P.L.1983, c.486 (C.18A:73-35f) is amended to
13 read as follows:

14 8. To provide an efficient and effective library network in
15 accordance with objectives of this act, no regional library cooperative
16 or any library with which the [division] State Library contracts to
17 provide cooperative services on a regional as well as a Statewide basis
18 to the library network shall participate in any apportionment of State
19 funds pursuant to this act unless it operates in compliance with the
20 rules and regulations which have been, or may be, prescribed by law
21 or promulgated by the [division and approved by the commissioner
22 and the State Board of Education] State Librarian with the approval
23 of the President of Thomas Edison State College.

24 (cf: P.L.1986, c.174, s.4)

25

26 17. Section 9 of P.L.1983, c.486 (C.18A:73-35g) is amended to
27 read as follows:

28 9. On or before November 15 in each year, the State Librarian,
29 with the approval of the [commissioner] President, shall estimate the
30 amount necessary to be appropriated to carry out the provisions of this
31 act for the succeeding fiscal year and shall determine for budget
32 purposes the amount estimated to be payable to each regional library
33 cooperative or library with which the [division] State Library
34 contracts to provide cooperative service to the library network for that
35 year and the amount necessary for supplemental library services
36 provided directly. The amount requested for direct services shall not
37 exceed 20% of the total amount appropriated. The State Librarian
38 shall make such determination for budget purposes upon the basis of
39 appropriations for library network purposes made by the Legislature
40 in the current calendar year.

41 On or before September 15 of each succeeding year, the State
42 Librarian shall make a final determination of the payments to be made
43 under this act.

44 (cf: P.L.1986, c.174, s.5)

45

46 18. Section 8 of P.L.1986, c.174 (C.18A:73-35g1) is amended to

1 read as follows:

2 8. Notwithstanding the provisions of any other law to the contrary,
3 all funds previously appropriated to fund area libraries pursuant to
4 N.J.S.18A:74-4 and research library centers pursuant to
5 N.J.S.18A:74-5 are appropriated to the [Division of the] State
6 Library, [Archives and History] for the purpose of funding the library
7 network.

8 In succeeding fiscal years the State Librarian shall make the budget
9 determinations required by section 9 of P.L.1983, c.486
10 (C.18A:73-35g), based on previous appropriations for library network
11 purposes, which shall include the transfer of area library and research
12 library center appropriations made pursuant to this section.
13 (cf: P.L.1986, c.174, s.8)

14

15 19. Section 10 of P.L.1983, c.486 (C.18A:73-35h) is amended to
16 read as follows:

17 10. The sums payable pursuant to this act shall be payable on
18 October 1 following the final determination in each year. Payments
19 shall be made by [the State Treasurer upon certificate of the
20 commissioner and warrant of the Director of the Division of Budget
21 and Accounting] Thomas Edison State College. Payment shall be
22 made to the receiving officer designated by each regional library
23 cooperative, each library with which the division contracts to provide
24 cooperative service to the library network and to the State library for
25 the cost of providing direct Statewide library services to the library
26 network.

27 (cf: P.L.1986, c.174, s.6)

28

29 20. Section 11 of P.L.1983, c.486 (C.18A:73-35i) is amended to
30 read as follows:

31 11. The [division] State Librarian may, with the approval of the
32 [commissioner and the State Board of Education] President,
33 promulgate pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it
35 deems necessary to effectuate the purposes of this act.

36 (cf: P.L.1983, c.486, s.11)

37

38 21. Section 12 of P.L.1983, c.486 (C.18A:73-35j) is amended to
39 read as follows:

40 12. There shall be appropriated in the first fiscal year following the
41 receipt by the Legislature of the first annual report and in each fiscal
42 year thereafter following the receipt by the Legislature of each
43 subsequent annual report required pursuant to section 6 of [this act]
44 P.L.1983, c.486 (C.18A:73-33.1), such sums as may be necessary for
45 the operations of the library network. If the sums appropriated at any
46 time are insufficient to carry out in full the provisions of this act, the

1 [commissioner with the approval of the State Board of Education]
2 President, with the approval of the Thomas Edison State College
3 Board of Trustees, shall allocate such sums on a pro rata basis. A sum
4 not to exceed 1% of such total or supplemental appropriation for the
5 purposes of this act may be allocated for the administrative cost
6 thereof.

7 (cf: P.L.1983, c.486, s.12)

8

9 22. Section 1 of P.L.1980, c.149 (C.18A:73-35.1) is amended to
10 read as follows:

11 1. The State Librarian may, within the limits of funds appropriated
12 or otherwise made available to the [Division of the] State Library[,
13 Archives and History], purchase the following without advertising for
14 bids: library materials including books, periodicals, newspapers,
15 documents, pamphlets, photographs, reproductions, microfilms,
16 pictorial or graphic works, musical scores, maps, charts, globes, sound
17 recordings, slides, films, filmstrips, video and magnetic tapes, other
18 printed or published matter, and audiovisual and other materials of a
19 similar nature and necessary binding or rebinding of library materials.
20 (cf: P.L.1980, c.149, s.1)

21

22 23. Section 23 of P.L.1969, c.158 (C.18A:73-38) is amended to
23 read as follows:

24 23. The State Library shall be kept open during the normal
25 working hours of State Government and at all times during which the
26 Legislature and the courts of this State and of the United States which
27 sit at Trenton are in session, and at such other times as the State
28 Librarian, with the approval of the [Commissioner of Education]
29 President of Thomas Edison State College, shall prescribe.

30 (cf: P.L.1969, c.158, s.23)

31

32 24. Section 24 of P.L.1969, c.158 (C.18A:73-39) is amended to
33 read as follows:

34 24. [Subject to approval by the State Board of Education, the
35 Commissioner of Education] The President of Thomas Edison State
36 College may apply for and accept on behalf of the State of New Jersey
37 and, through the [Division of the] State Library[, Archives and
38 History], administer for the State, any funds, books and library
39 facilities applicable to public or school library purposes, granted or
40 provided by the Federal Government, or any agency or officer thereof,
41 under or pursuant to any Federal Law heretofore or hereafter enacted
42 authorizing grants to the States for such purposes or for similar
43 purposes.

44 (cf: P.L.1969, c.158, s.24)

45

46 25. Section 25 of P.L.1969, c.158 (C.18A:73-40) is amended to

1 read as follows:

2 25. In the event that under or pursuant to any such Federal law it
3 is required that a State agency be designated to carry out the purpose
4 of such law, including the administration or suspension of
5 administration of any plan or program pursuant thereto, [the State
6 Department of Education] Thomas Edison State College shall be the
7 sole agency in this State for carrying out such purposes. The
8 Governor is hereby authorized to make such designation, and [the
9 State Department of Education] Thomas Edison State College is
10 hereby empowered to act as the sole agency in this State for carrying
11 out such purposes.

12 (cf: P.L.1969, c.158, s.25)

13

14 26. Section 26 of P.L.1969, c.158 (C.18A:73-41) is amended to
15 read as follows:

16 26. [The State Treasurer] Thomas Edison State College shall
17 receive and provide for the proper custody of any funds granted by the
18 Federal Government for such public or school library purposes, under
19 or pursuant to any Federal law. All moneys so received shall be used
20 exclusively for the purposes of any such law. Such moneys shall be
21 expended in the same manner as any funds of the State are expended,
22 upon vouchers certified or approved by the [Commissioner of
23 Education] President of Thomas Edison State College or [his] the
24 duly authorized representative thereof, as provided by law.

25 Thomas Edison State College shall submit to the State Treasurer
26 copies of any final financial status reports submitted to the federal
27 government for grants or other funds received by the college.

28 (cf: P.L.1969, c.158, s.26)

29

30 27. Section 1 of P.L.1985, c.279 (C.18A:74-3.2) is amended to
31 read as follows:

32 1. [The Division of the State Library, Archives and History in the
33 Department of Education, upon the approval of the Commissioner of
34 the Department of Education and the State Board of Education,]
35 Thomas Edison State College shall annually, within the limitations of
36 amounts appropriated by the Legislature, distribute funds pursuant to
37 rules and regulations adopted according to N.J.S.18A:74-1 et seq.
38 upon certification of the State Library;

39 a. To any municipality which receives State aid pursuant to
40 P.L.1978, c.14 (C.52:27D-178 et seq.) and supports, in whole or in
41 part, a municipal library which maintains one or more branch libraries,
42 to assist solely in maintaining, operating and improving those branch
43 libraries to meet community needs;

44 b. To any county or municipality which supports, in whole or in
45 part, library services from county or municipal tax revenues to

1 evaluate and develop the collections of any library receiving such
2 funds; and

3 c. To any library in the State which houses and maintains a
4 collection of historical or special interest, to be used to house, protect,
5 preserve, repair, restore and maintain the collection.

6 Funds allocated pursuant to this section shall be distributed as
7 grants to qualifying applicants, based on competitive criteria and a
8 selection process established by the [Division of the State Library,
9 Archives and History and approved by the commissioner and State
10 Board of Education] State Library. No rule or regulation shall be
11 adopted nor any application approved nor grant made under this
12 section which creates or implies, by its nature or purpose, a continuing
13 assistance grant or entitlement of indefinite length.

14 (cf: P.L.1985, c.297, s.1)

15

16 28. Section 2 of P.L.1985, c.297 (C.18A:74-3.3) is amended to
17 read as follows:

18 2. [The Division of the State Library, Archives and History, upon
19 the approval of the Commissioner of the Department of Education and
20 the State Board of Education] Thomas Edison State College, after
21 consultation with the State Librarian, shall annually, within the
22 limitations of amounts appropriated by the Legislature, distribute funds
23 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
24 et seq., for audiovisual public library services.

25 (cf: P.L.1985, c.297, s.2)

26

27 29. Section 3 of P.L.1985, c.297 (C.18A:74-3.4) is amended to
28 read as follows:

29 3. [The Division of the State Library, Archives and History, upon
30 the approval of the Commissioner of the Department of Education and
31 the State Board of Education] Thomas Edison State College, after
32 consultation with the State Librarian, shall annually, within the
33 limitations of amounts appropriated by the Legislature, distribute funds
34 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
35 et seq., for library services to persons institutionalized in health,
36 mental health, mental retardation, veterans', residential, correctional
37 and other similar facilities which are operated by or under contract to
38 the State or to county or municipal governments.

39 (cf: P.L.1985, c.297, s.3)

40

41 30. Section 1 of P.L.1981, c.225 (C.18A:74-4.1) is amended to
42 read as follows:

43 1. The [Commissioner of Education] Thomas Edison State
44 College, after consultation with the State Librarian, and after
45 consultation with the Commission for the Blind and Visually
46 Impaired, shall purchase and provide to designated area libraries or

1 other public facilities accessible to the blind or visually impaired that
2 may be appropriate an optical scanner, which converts printed
3 materials into synthetic speech for the benefit of the blind and visually
4 impaired. The [commissioner] President of Thomas Edison State
5 College shall provide for the training of personnel in the proper use of
6 these devices.

7 (cf: P.L.1981, c.225, s.1)

8

9 31. N.J.S.18A:74-6 is amended to read as follows:

10 18A:74-6. There shall be appropriated annually the sum of
11 \$200,000.00 to be distributed by [commissioner upon the approval of
12 the state board] Thomas Edison State College and in accordance with
13 its rules and regulations to meet unforeseeable conditions in any
14 municipality or county, and to encourage the formation and
15 development of larger units of service pursuant to law. The amount
16 of such emergency aid or incentive grant shall be payable by the [state
17 treasurer upon the certification of the commissioner] President of
18 Thomas Edison State College upon certification by the State Librarian.

19 (cf: N.J.S.18A:74-6)

20

21 32. N.J.S.18A:74-7 is amended to read as follows:

22 18A:74-7. On or before November 15 in each year, the
23 [commissioner] State Library shall estimate the amount necessary to
24 be appropriated to carry out the provisions of this chapter for the
25 succeeding fiscal year and shall determine for budget purposes the
26 amount estimated to be payable to each of the counties and
27 municipalities under this chapter for such succeeding year. The
28 [commissioner] State Library shall make such determination for
29 budget purposes upon the basis of the annual appropriations for library
30 purposes for the current calendar year.

31 On or before September 15 of each succeeding year, the
32 [commissioner] State Library shall make [his] the final determination
33 of the payments to be made under this chapter upon the basis of the
34 annual expenditures for library purposes for the preceding calendar
35 year.

36 (cf: N.J.S.18A:74-7)

37

38 33. N.J.S.18A:74-8 is amended to read as follows:

39 18A:74-8. The sums payable as state aid, as finally determined by
40 the [commissioner] State Library shall be payable on October 1
41 following the final determination in each such year. Payments shall be
42 made by the state treasurer upon certificate of the [commissioner]
43 President of Thomas Edison State College, the State Librarian, and
44 warrant of the director of the division of budget and accounting.
45 Payment shall be made to the governing body of each municipality

1 qualifying for aid under this chapter and to the treasurer of each
2 county which supports a regional or county library system, and to the
3 receiving officer designated by each research library center.

4 (cf: N.J.S.18A:74-8)

5

6 34. N.J.S.18A:74-10 is amended to read as follows:

7 18A:74-10. In order to participate in any apportionment made
8 according to the provisions of this chapter, municipalities and counties
9 shall comply with the regulations and standards which have been, or
10 which may be, prescribed by law or recommended by the advisory
11 council of the [division of the] state library[, archives and history, and
12 approved by the state board] for the operation and improvement of
13 free public libraries to provide efficient and effective library services,
14 to insure public benefit and convenience therefrom and to achieve the
15 objects of this chapter.

16 (cf: N.J.S.18A:74-10)

17

18 35. N.J.S.18A:74-12 is amended to read as follows:

19 18A:74-12. The [commissioner] Department of the Treasury, at
20 the request of the State Librarian, is hereby empowered to withhold
21 any form of state library aid from any municipality, county, or area
22 library which does not comply with the provisions of chapters 33 and
23 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of
24 1947 (C.45:8A-1, et seq.) wherever applicable, or with any rules and
25 regulations duly adopted pursuant to said statutes or this chapter, or
26 which reduces its annual expenditures for library services pursuant to
27 chapters 33 and 54 of Title 40 of the Revised Statutes below the
28 average of those expenditures for normal, recurring, operating costs
29 made during the three years previous to receipt of the first state aid
30 under this chapter.

31 (cf: N.J.S.18A:74-12)

32

33 36. N.J.S.18A:74-13 is amended to read as follows:

34 18A:74-13. There is hereby appropriated for the purposes of this
35 chapter such sums as may be included therefor in any annual or
36 supplemental appropriation. In the event the sums appropriated at any
37 time are insufficient to carry out in full the provisions of this chapter,
38 the [commissioner, with the approval of the state board] State Library
39 shall allocate such sums on the basis of the method of allocation
40 described in this chapter to the extent [that he deems] deemed
41 advisable and practicable. A sum not to exceed 1% of such total
42 annual or supplemental appropriation for the purposes of this chapter
43 may be allocated [by the commissioner] to Thomas Edison State
44 College for the administrative costs thereof.

45 (cf: N.J.S.18A:74-13)

46

1 37. Section 3 of P.L.1973, c.381 (C.18A:74-16) is amended to read
2 as follows:

3 3. For the purposes of this act unless the context clearly indicates
4 otherwise:

5 a. "Act" means the "New Jersey Library Construction Incentive
6 Act."

7 b. "Area" means all or part of one or more political subdivisions
8 of the State of New Jersey.

9 c. "Project," "construction project," "rehabilitation project,"
10 "expansion" or "acquisition," means a project which is eligible for a
11 grant under regulations and standards promulgated under this act.
12 When used alone, "project" means any construction, expansion, or
13 rehabilitation project or acquisition.

14 d. "Public library" means a library that serves free of charges all
15 residents of an area without discrimination and receives its financial
16 support, in whole or in part, from public funds. "Public library" does
17 not include any special-purpose library, such as a law, medical, school
18 or academic library, which are organized to serve a special clientele
19 or purpose.

20 e. "Authorized applicant" means a public library as defined in
21 paragraph d. hereof.

22 f. "Eligible project costs" means costs incurred in a project
23 approved by the [Commissioner of Education] President of Thomas
24 Edison State College, a portion of which may be reimbursed.

25 g. ["Commissioner" means the Commissioner of Education of the
26 State of New Jersey or his designated representative] "President"
27 means the President of Thomas Edison State College.

28 h. "Fiscal year" means the period between July 1 of any calendar
29 year and June 30 of the next succeeding calendar year.

30 (cf: P.L.1973, c.381, s.3)

31

32 38. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to
33 read as follows:

34 4. The administration of this act shall be governed by rules and
35 regulations, recommended by the Advisory Council of the [Division
36 of the] State Library[, Archives and History], and promulgated by
37 [the commissioner] State Librarian with the approval of the State
38 Board of Education] President of Thomas Edison State College.

39 (cf: P.L.1973, c.381, s.4)

40

41 39. Section 5 of P.L.1973, c.381 (C.18A:74-18) is amended to
42 read as follows:

43 5. In order to participate in any grant made according to the
44 provisions of this act, the applicant shall comply with the rules and
45 regulations adopted as provided in section 4 of this act. Application
46 for grants under this act shall be made to the [commissioner]

1 President on forms specified in said rules and regulations.
2 Applications shall be approved by the [commissioner] President in
3 accordance with said rules and regulations. The [commissioner]
4 President is hereby empowered to withhold any grants from any
5 public library which does not comply with said rules and regulations.
6 (cf: P.L.1973, c.381, s.5)

7

8 40. Section 6 of P.L.1973, c.381 (C.18A:74-19) is amended to
9 read as follows:

10 6. The [State] President shall reimburse each authorized applicant
11 whose application has been approved for a portion of its eligible
12 project costs, determined in accordance with the rules and regulations
13 promulgated pursuant to this act.

14 (cf: P.L.1973, c.381, s.6)

15

16 41. Section 7 of P.L.1973, c.381 (C.18A:74-20) is amended to
17 read as follows:

18 7. The following project costs shall be eligible for grants, at the
19 discretion of the [commissioner] President, when incurred after the
20 date of project approval, or after such date as is indicated in
21 paragraphs 3 and 5 of this section:

22 a. Construction of new buildings to be used for public library
23 purposes.

24 b. Expansion, rehabilitation or acquisition of existing buildings to
25 be used for public library purposes.

26 c. Expenses (other than interest and the carrying charge on bonds)
27 related to the acquisition of land on which there is to be construction
28 of new buildings or expansion of existing buildings to be used for
29 public library purposes which are incurred within the [3] three fiscal
30 years preceding the fiscal year in which the project is approved by the
31 [commissioner] President, provided such expenses constitute an
32 actual cost or a transfer of public funds in accordance with the usual
33 procedures generally applicable to all State and local agencies and
34 institutions.

35 d. Site grading and improvement of land on which buildings used
36 for public library purposes are located or are to be located.

37 e. Architectural, engineering, consulting and inspection services
38 related to the specific project for which application for financial
39 assistance is made, provided the costs of such services are incurred
40 within [3] three fiscal years preceding the year in which the project is
41 approved by the [commissioner] President.

42 f. Expenses (other than interest and the carrying charges on bonds)
43 related to the acquisition of existing buildings to be used for public
44 library purposes, provided such expenses constitute an actual cost or
45 a transfer of public funds in accordance with the usual procedures
46 generally applicable to all State and local agencies and institutions.

1 g. Expenses relating to the acquisition and installation of initial
2 equipment to be located in public library facilities, provided by a
3 construction project, including all necessary building fixtures and
4 utilities, office furniture and public library equipment, such as library
5 shelving and filing equipment, card catalogs, cabinets, circulation
6 desks, reading tables, study carrels, booklifts, elevators and
7 information retrieval devices (but not books or other library materials).
8 (cf: P.L.1973, c.381, s.7)

9
10 42. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to
11 read as follows:

12 8. The [commissioner] President shall require that projects
13 constructed with the use of State funds under this act shall, to the
14 extent appropriate be accessible to and usable by handicapped persons.
15 (cf: P.L.1973, c.381, s.8)

16
17 43. Section 9 of P.L.1973, c.381 (C.18A:74-22) is amended to
18 read as follows:

19 9. Whenever public library facilities, items of equipment or land to
20 which the State has contributed funds under this act are not used for
21 the purposes authorized by the act, the [commissioner] President may
22 require that the State be credited with its proportionate share of the
23 fair market value of such facilities, equipment, or land. All moneys so
24 credited shall be remitted to the Treasurer of the State of New Jersey.
25 In no event, however, may the [commissioner] President require that
26 the State be so credited when such facilities, equipment or land have
27 been used in excess of 20 years for the purposes authorized by this
28 act.

29 (cf: P.L.1973, c.381, s.9)

30

31 44. Section 4 of P.L.1956, c.108 (C.40:9A-4) is amended to read
32 as follows:

33 4. The [Commissioner of Education] State Librarian, subject to
34 the approval of the [State Board of Education] President of Thomas
35 Edison State College, shall formulate and promulgate standards for the
36 said federations of libraries to insure the public convenience in the use
37 of such library services.

38 (cf: P.L.1956, c.108, s.4)

39

40 45. R.S.40:33-6 is amended to read as follows:

41 40:33-6. Upon the adoption of the provisions of this article the
42 board of chosen freeholders may contract with an existing library, or
43 library board, within the county or the library commission of a county
44 library already established and furnishing county library services in
45 another county, for the establishment and maintenance of the county
46 free library in accordance with the provisions of this article and

1 subject to the rules and regulations of the board of chosen
2 freeholders. No independently operated county library shall be
3 established hereafter in any county unless a plan for the financing of
4 the same, indicating the amount annually to be assessed, levied and
5 collected in taxes for the establishment and thereafter for the
6 maintenance, thereof, shall be submitted to, and shall be approved as
7 sufficient by, the head of the [bureau of public and school library
8 services] Library Development Bureau in the [Division of the] State
9 Library[, Archives and History in the Department of Education].

10 (cf: P.L.1950, c.189, s.1)

11

12 46. R.S.40:33-8 is amended to read as follows:

13 40:33-8. The county library commission shall organize by the
14 election of a chairman, and shall adopt rules and regulations for the
15 establishment and maintenance of the county library. It shall employ
16 a librarian, if any, as may be required, who shall hold appropriate
17 certificates issued by the State Board of Examiners and such other
18 employees as it shall deem necessary for the performance of its
19 functions. It may purchase such supplies and equipment and incur
20 such expenses as it may deem necessary to carry out the provisions of
21 this article, but shall not incur expenses or make purchases in any
22 fiscal year from public funds in excess of the appropriation for county
23 library purposes for that year. In addition to its other powers, it may
24 accept gifts, devises, legacies and bequests of property, real and
25 personal, and hold and use the property and income of the same in any
26 manner, which is lawful and consistent with the purpose for which the
27 commission is created, and with the provisions of the conveyance, will
28 or other instrument in or under which such gift, devise, legacy or
29 bequest is made and may dispose of the same subject to the same
30 conditions. It shall make an annual report to the financial officer of
31 the county which shall include a statement setting forth in detail all
32 county appropriations made to the library, other public revenues
33 received by the library, all State aid received by the library, all
34 expenditures made by the library and the balance of funds available.
35 The report shall also include an analysis of the state and condition of
36 the library and shall be sent to the county, governing body and to the
37 [Division of] State Library[, Archives and History in the Department
38 of Education]. The [division] State Librarian, with the approval of
39 the President of Thomas Edison State College, shall prescribe by
40 regulation the form of all such reports.

41 (cf: P.L.1985, c.541, s.4)

42

43 47. Section 6 of P.L.1981, c.489 (C.40:33-13.2i) is amended to
44 read as follows:

45 6. The option for reorganization of the county library system
46 provided in this section shall be known as the "Branch Development

1 Option" and shall govern the county library system of any county
2 whose voters have adopted it pursuant to section 5 of this act.

3 a. The county library commission shall establish a branch of the
4 county library in each municipality: (1) which is a member of the
5 county library system upon the effective date of the reorganization of
6 the system; and (2) in which the municipal governing body adopts a
7 resolution approving the establishment of a branch library. The county
8 library commission may establish a joint branch library for two or
9 more adjacent municipalities upon its determination that the library
10 needs of such municipalities could best be served by a joint branch
11 library, and upon the adoption by the governing bodies of all
12 municipalities to be served thereby of joint resolutions, approving the
13 establishment thereof. A branch library or a joint branch library
14 established pursuant to this act shall conform to all standards
15 promulgated by the [Division of the] State Library[, Archives and
16 History] for branch libraries.

17 b. The county library commission shall assure that all branch or
18 joint branch libraries agreed upon pursuant to subsection a. of this
19 section are operating within [3] three calendar years of the effective
20 date of the reorganization of the county library system.

21 c. Any municipality which has agreed to the establishment of a
22 branch library or joint branch library of the county library shall remain
23 a member of the county library system for at least [5] five years
24 following the effective date of the reorganization of the county library
25 system.

26 d. Any municipality which is a member of the county library system
27 and whose governing body does not approve the establishment of a
28 branch library or a joint branch library shall remain a member of the
29 county library system until such time as it elects to withdraw from the
30 system in the manner provided in chapter 33 of Title 40 of the
31 Revised Statutes. The governing body of such a municipality may, by
32 resolution, request that the county library establish a branch library or
33 a joint branch library at any time following the effective date of the
34 reorganization of the county library system, in the manner provided
35 in subsection a.

36 (cf: P.L.1981, c.489, s.6)

37

38 48. Section 7 of P.L.1981, c.489 (C.40:33-13.2j) is amended to
39 read as follows:

40 7. The option for reorganization of the county library system
41 provided in this section shall be known as the "Service Contract
42 Option" and shall govern the county library system of any county
43 whose voters have adopted it pursuant to section 5 of this act.

44 a. The county library commission shall offer a contract to any of
45 the municipalities identified by the county library study commission in
46 its report to provide such municipalities with sufficient staff and

1 materials to insure compliance with standards promulgated by the
2 [Division of the] State [Library, Archives and History] Librarian,
3 with the approval of the President of Thomas Edison State College,
4 for library service in those municipalities. Municipalities shall accept
5 or reject such contracts by resolution of the governing body.

6 Any municipality which accepts a contract shall determine an
7 appropriate geographic location within the municipality for the staff
8 and materials provided by the county library.

9 b. Any municipality which rejects a contract pursuant to this
10 section and is a member of the county library system shall remain a
11 member of the system until such time as it elects to withdraw from the
12 system in the manner provided in chapter 33 of Title 40 of the
13 Revised Statutes.

14 (cf: P.L.1981, c.489, s.7)

15
16 49. Section 8 of P.L.1981, c.489 (C.40:33-13.2k) is amended to
17 read as follows:

18 8. The option for reorganization of the county library system
19 provided in this section shall be known as the "Tax Base Sharing
20 Option," and shall be available only to any county in which revenues
21 from the dedicated county library tax established pursuant to
22 R.S.40:33-9 or P.L.1977, c.300 (C.40:33-15 et seq.) have been
23 derived from less than 75% of the total assessed property of the
24 county in the calendar year prior to the establishment of the county
25 library study commission. This option shall govern the county library
26 system of any qualified county whose voters have adopted it pursuant
27 to section 5 of this act.

28 a. The governing body of the county shall annually determine a
29 sum sufficient to distribute among certain municipalities and the
30 county according to the following formula:

31 $A = CBS + CRS + LRS$ where: A is the total tax pool to be
32 distributed; CBS is the county base share and is determined as
33 $.0000666 \times$ the apportionment valuation of the county; CRS is the
34 county residual share and is determined as $[A - CBS] \times .60$; and LRS
35 is the local residual share and is determined as $[A - CBS] \times .40$.

36 The county base share (CBS) shall be appropriated to the county
37 library which shall receive no funds from the library tax provided for
38 in R.S.40:33-9 or from the library tax established in P.L.1977, c.300
39 (C.40:33-15 et seq.). The local residual share (LRS) shall be
40 distributed among those municipalities not members of the county
41 library system on January 1, 1982. Each such municipality shall be
42 apportioned an amount of those revenues in a proportion equal to the
43 proportion which that municipality's apportionment valuation is of the
44 apportionment valuation of all such municipalities. Any municipality
45 receiving revenues from the tax base sharing option provided in this
46 section shall appropriate those funds directly to the board of trustees

1 of any library within its borders funded by the municipality in the
2 calendar year prior to the reorganization of the county library system.

3 b. For each year following the reorganization of the county library
4 system, the county library distribution (CBS + CRS) from the formula
5 established in subsection a. of this section shall not be less than the
6 appropriation made to the county library in the calendar year
7 immediately prior to the reorganization of the county library system;
8 provided, however, that in the first calendar year following the
9 reorganization of the county library system, the county library shall
10 receive an appropriation not less than an amount equal to the
11 appropriation made to the county library in the calendar year preceding
12 the reorganization of the system and not more than an amount equal
13 to the prior year's appropriation plus 10% of that appropriation.

14 In each year following the reorganization of the county library
15 system, the governing body of any municipality not a member of the
16 county library system shall appropriate to any library in the
17 municipality which was funded by the municipality prior to the
18 reorganization of the county library system a sum of money not less
19 than the average appropriation made to such libraries in the ~~[3]~~ three
20 years occurring immediately prior to the reorganization of the county
21 library system. The governing body shall also provide any in-kind
22 benefits or the cash equivalent thereof, which were provided to such
23 libraries during that preceding period.

24 c. The county library shall receive State aid as provided in the
25 "State Library Aid Law" (N.J.S.18A:74-1 et seq.) based on
26 expenditures from the total appropriation from the tax base sharing
27 option made to the county library and the total resident population of
28 the county. Any library located within a municipality not a member of
29 the county library system shall receive State aid as provided in the
30 "State Library Aid Law" based on expenditures from the total
31 appropriation made to the library from the municipality and from the
32 portion of the local residual share received by the municipality as
33 provided in subsection a. of this section. Any municipality which is a
34 member of the county library system and which supports a library shall
35 receive State aid as provided in the "State Library Aid Law" based on
36 the total appropriation made by the municipality for library purposes.

37 d. The county library shall make all of its patron services available
38 to all residents of the county. For the purpose of this act "patron
39 services" means services rendered by a library directly to patrons as
40 distinguished from those services rendered to other libraries. Patron
41 services shall include circulation of library materials, reference
42 assistance, and public programs.

43 e. A municipality which maintains a municipal public library within
44 the county shall not dissolve its municipal public library for a period
45 of ~~[2]~~ two calendar years from the effective date of the reorganization
46 of the county library system.

1 f. The county library commission may offer a service contract for
2 library services to any municipality within the county for any library
3 services performed by the county library. Any such contracts shall
4 conform to the contracts established in section 7 of this act.

5 g. The county library study commission shall remain in existence
6 for [1] one calendar year after the effective date of such
7 reorganization. It shall be the responsibility of the commission to
8 evaluate the tax base sharing option and to determine if the
9 appropriation for the county library system is sufficient to provide
10 patron services to all residents of the county and that such services
11 are in compliance with standards promulgated by the [Division of the]
12 State Library[, Archives and History] for such libraries. The
13 commission shall make a report of its findings to the county governing
14 body within [1] one calendar year of the reorganization of the county
15 library system.

16 (cf: P.L.1981, c.489, s.8)

17
18 50. Section 11 of P.L.1981, c.489 (C.40:33-13.2n) is amended to
19 read as follows:

20 11. The [Division of the] State [Library, Archives and History]
21 Librarian, with the approval of [the State Board of Education] the
22 President of Thomas Edison State College is authorized to
23 promulgate, pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it
25 deems necessary to effectuate the purposes of this act.

26 (cf: P.L.1981, c.489, s.11)

27
28 51. Section 3 of P.L.1962, c.134 (C.40:33-13.5) is amended to
29 read as follows:

30 3. The regional library agreement may, from time to time, be
31 amended or supplemented by the adoption of similar resolutions by all
32 the boards of chosen freeholders of the participating counties. A copy
33 of the original regional library agreement, of any amendments or
34 supplements thereto and of the resolutions approving such agreement,
35 amendments or supplements shall be filed with the [Commissioner of
36 Education] State Librarian and with the Director of the Division of
37 Local Government.

38 (cf: P.L.1962, c.134, s.3)

39
40 52. Section 12 of P.L.1962, c.134 (C.40:33-13.14) is amended to
41 read as follows:

42 12. The board of trustees may enter into agreements with the
43 governing body of any municipality which is not then served by the
44 regional library to increase or improve the library services available to
45 the residents of said municipality or to the residents of the
46 municipalities then served by the regional library. Any such agreement

1 shall specify the services to be rendered by the regional library and by
2 the municipality and the amount and nature of payment of any
3 consideration for such services. Any municipality may enter into such
4 agreements with the board of trustees for periods of not more than
5 **[5] five** years and may renew such agreements for like periods.

6 No such agreement shall be concluded (a) without the approval of
7 the boards of chosen freeholders of the counties participating in the
8 regional library and, (b) in the event that the municipality maintains a
9 municipal public library, without the approval of the board of trustees
10 of such library. Such agreement may be amended and supplemented,
11 from time to time, and a copy of such agreement, amendments and
12 supplements, together with resolutions of the board of trustees
13 approving such agreement, amendments and supplements, shall be filed
14 with the **[Commissioner of Education] State Librarian** and with the
15 Director of the Division of Local Government.

16 (cf: P.L.1962, c.134, s.12)

17

18 53. Section 5 of P.L.1985, c.541 (C.40:54-8.1) is amended to read
19 as follows:

20 5. Any increase in the amount raised by taxation for the municipal
21 library as required by R.S.40:54-8 shall not exceed the total amount
22 expended by the municipality in the previous year plus 15% of the
23 previous year's total expenditures for the maintenance of a free public
24 library; except that the **[director of the Division of] State [Library,**
25 **Archives and History in the Department of Education] Librarian** is
26 authorized to approve additional appropriations to any municipality
27 that requests to appropriate an amount in excess of 15% of the
28 previous year's total library expenditures.

29 (cf: P.L.1985, c.541, s.5)

30

31 54. R.S.40:54-12 is amended to read as follows:

32 40:54-12. The board shall hold in trust and manage all property of
33 the library. It may rent rooms, or, when proper, construct buildings for
34 the use of the library, purchase books, pamphlets, documents, papers
35 and other reading matter, hire librarians, and other necessary
36 personnel, and fix their compensation, make proper rules and
37 regulations for the government of the library, and generally do all
38 things necessary and proper for the establishment and maintenance of
39 the free public library in the municipality. The board may also transfer
40 to and receive from **[the deposit and exchange library service of the**
41 **Bureau of Public and School Library Services, of the Division of the**
42 **State Library, Archives and History, in the State Department of**
43 **Education,] other libraries** books, magazines, prints, maps and other
44 related library materials for the purpose of augmenting the interlibrary
45 loan service.

46 (cf: P.L.1949, c.98, s.1)

1 55. R.S.40:54-15 is amended to read as follows:

2 40:54-15. The board of trustees shall make an annual report to the
3 chief financial officer of the municipality which shall include a
4 statement setting forth in detail all public revenues received by the
5 library, all State aid received by the library, all expenditures made by
6 the library and the balance of funds available. The annual report shall
7 also include an analysis of the state and condition of the library and
8 shall be sent to the municipal governing body and to the [Division of]
9 State Library[, Archives and History in the Department of Education].
10 The [division] State Librarian shall prescribe by regulation the form
11 of all such reports.

12 (cf: P.L.1985, c.541, s.2)

13

14 56. Section 3 of P.L.1959, c.155 (C.40:54-29.5) is amended to
15 read as follows:

16 3. After the introduction of an ordinance approving such joint
17 library agreement, which may be incorporated by reference therein,
18 such agreement shall be and remain on file for public inspection in the
19 municipal clerk's office from the time of introduction of such
20 ordinance and such ordinance shall so state. A copy of such ordinance
21 and of the joint library agreement shall be filed with [the
22 Commissioner of the Department of Education] State Librarian and
23 the Director of the Division of Local Government. Subsequent
24 amendments and supplements to such ordinance and agreement shall
25 be filed in like manner.

26 (cf: P.L.1959, c.155, s.3)

27

28 57. Section 21 of P.L.1959, c.155 (C.40:54-29.23) is amended to
29 read as follows:

30 21. When such discontinuance has been agreed upon or determined
31 and if the governing body of the municipality proposing such
32 discontinuance shall determine to proceed therewith,

33 (a) such governing body shall introduce an ordinance authorizing
34 and directing the submission to the legal voters the question whether
35 said municipality shall discontinue participation in the joint library
36 pursuant to said agreement or determination, which agreement or
37 determination may be incorporated by reference in said ordinance
38 provided said agreement or determination shall be and remain on file
39 in the office of the municipal clerk for public inspection;

40 (b) if said ordinance shall be adopted, a copy thereof and of said
41 agreement or determination shall be filed with the Director of the
42 Division of Local Government and the [Commissioner of the
43 Department of Education] State Librarian; and

44 (c) the question of such discontinuance shall be submitted to the
45 legal voters of such municipality at the next general election to be held
46 therein not less than 40 days after the adoption of said ordinance, and

1 said agreement or determination shall remain on file in the office of the
2 municipal clerk for public inspection pending such election.

3 (cf: P.L.1959, c.155, s.21)

4

5 58. (New section) Unless provided for elsewhere to the contrary,
6 the State Library, with the approval of the President of Thomas Edison
7 State College, may promulgate, pursuant to the Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules as
9 the State Librarian deems necessary for the administration of the State
10 Library.

11

12 59. (New section) The State Library building located at 185 East
13 State Street in Trenton, Mercer County, and the State Library for the
14 Blind and Handicapped, located at 2300 Stuyvesant Avenue in
15 Trenton, Mercer County, shall remain the property of the State of New
16 Jersey. Each building shall be maintained by the Department of
17 Treasury and be entitled to all of the services provided to other State
18 buildings in the Capitol Complex. Any additional costs incurred by the
19 State Library for services at those buildings shall be paid by Thomas
20 Edison State College from the direct State services portion of the
21 annual appropriation for the State Library. The contents of the
22 buildings, including but not limited to the furniture, equipment, State
23 Library collection and library materials, shall be the property of the
24 State of New Jersey, but shall be available to Thomas Edison State
25 College for the use of the State Library and the employees thereof.

26

27 60. (New section) a. The State Treasurer shall disburse to
28 Thomas Edison State College the amount of funds appropriated in the
29 direct State services portion of the annual appropriation for the State
30 Library. The funds shall be paid to the college in four equal
31 installments beginning on July 1 of each year. Thomas Edison State
32 College shall deposit all such funds into separate accounts to be used
33 solely for State Library purposes.

34 b. The State Treasurer shall disburse to Thomas Edison State
35 College the amount of funds appropriated in the State aid portion of
36 the annual appropriation for the State Library. The funds shall be paid
37 to the college on a drawdown schedule to be prepared by Thomas
38 Edison State College and approved by the Office of Management and
39 Budget. Thomas Edison State College shall deposit all such funds into
40 separate accounts to be used solely for State Library purposes.

41 c. Each year, Thomas Edison State College shall prepare and
42 submit to the Office of Management and Budget in the Department of
43 the Treasury a proposed budget for the operation of the State Library
44 during the following fiscal year at the same time that Thomas Edison
45 State College prepares and submits to the Secretary of State for
46 submission to Office of Management and Budget a proposed budget

1 for the operation of the college during the following fiscal year.

2 d. Funds disbursed to Thomas Edison State College for the
3 operations of the State Library, although maintained in separated
4 accounts, shall be considered college funds for all purposes related to
5 purchasing, including for the purposes of the "State College Contracts
6 Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

7 e. Thomas Edison State College is authorized to accept donations
8 on behalf of the State Library and those donated funds shall be
9 maintained in separate accounts to be used solely for State Library
10 purposes.

11 f. Thomas Edison State College shall be entitled to use, solely for
12 State Library purposes, the interest income from any public or private
13 fund established to support the programs and services of the State
14 Library to the extent permitted by law and the terms of the fund.

15 g. Thomas Edison State College shall conduct an independent
16 financial audit of the State Library accounts each year, including
17 accounts that receive federal funds, and shall submit copies of the
18 same to the Department of the Treasury, with the cost of such audits
19 funded from the direct State services portion of the annual
20 appropriation for the State Library.

21 h. Thomas Edison State College shall be responsible for the
22 maintenance of all financial records that involve the operations of the
23 State Library, including those records that relate to federal funds.

24

25 61. (New section) All transfers directed by this act, except as
26 otherwise provided herein, shall be made in accordance with the "State
27 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

28

29 62. Sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and
30 18A:73-42) are repealed.

31

32 63. This act shall take effect immediately.

§58 - C.18A:73-42.1
§59 - C.18A:73-38.1
§60 - C.18A:73-43.4
§61 - T&E & note to
C.18A:73-26
§62 - Repealer

P.L. 2001, CHAPTER 137, *approved July 2, 2001*
Senate, No. 2113 (*First Reprint*)

1 AN ACT concerning the State Library, amending and supplementing
2 various sections of the statutory law, and repealing ¹[section]
3 sections 14 and¹ 27 of P.L.1969, c.158 (C.¹18A:73-29 and¹
4 18A:73-42).

5

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

8

9 1. N.J.S.2A:12-6 is amended to read as follows:

10 2A:12-6. The Administrative Director of the Courts is authorized
11 to distribute or cause to be distributed any bound volumes of the New
12 Jersey Reports and the New Jersey Superior Court Reports heretofore
13 or hereafter published and delivered to him, as follows:

14 To each member of the Legislature, one copy of each volume of
15 such reports.

16 To the following named, for official use, to remain the property of
17 the State, the following number of copies of each volume of such
18 reports:

19 a. To the Governor, four copies;

20 b. To the Department of Law and Public Safety, for the Division
21 of Law, four copies; and the Division of Alcoholic Beverage Control,
22 one copy;

23 c. To the Department of the Treasury, for the State Treasurer, one
24 copy; the Division of Taxation, three copies; and the Division of Local
25 Government Services in the Department of Community Affairs, one
26 copy;

27 d. To the Department of State, one copy;

28 e. To the Department of Personnel, one copy;

29 f. To the Department of Banking[, one copy; and the Department
30 of] and Insurance, [one copy] two copies;

31 g. To the Board of Public Utilities in the Department of the
32 Treasury, one copy;

33 h. To the Department of Labor, for the commissioner, one copy;
34 the Division of Workers' Compensation, five copies; the State Board
35 of Mediation, one copy; and the Division of Employment Security,
36 three copies;

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted March 15, 2001.

- 1 i. To the Department of Education, for the commissioner, one
2 copy; [and the Division of the State Library, Archives and History, 60
3 copies, five of which shall be deposited in the Law Library, and 55 of
4 which shall be used by the director of the division in sending one copy
5 to the state library of each state and territory of the United States, the
6 same to be in exchange for the law reports of such states and
7 territories sent to said division, which reports shall be deposited in and
8 become part of the collection of the Law Library;]
- 9 j. To the Department of Transportation, one copy;
- 10 k. To the Department of Human Services, one copy; and the
11 Department of Corrections, one copy;
- 12 l. To each judge of the federal courts in and for the district of New
13 Jersey, one copy;
- 14 m. To each justice of the Supreme Court, one copy;
- 15 n. To each judge of the Superior Court, one copy;
- 16 o. To the Administrative Director of the Courts, one copy;
- 17 p. To each standing master of the Superior Court, one copy;
- 18 q. (Deleted by amendment, P.L.1983, c.36.)
- 19 r. To the clerk of the Supreme Court, one copy;
- 20 s. To the clerk of the Superior Court, one copy;
- 21 t. (Deleted by amendment, P.L.1983, c.36.)
- 22 u. (Deleted by amendment, P.L.1983, c.36.)
- 23 v. (Deleted by amendment, P.L.1991, c.91.)
- 24 w. (Deleted by amendment, P.L.1991, c.91.)
- 25 x. To each county prosecutor, one copy;
- 26 y. To the Central Management Unit in the Office of Legislative
27 Services, one copy;
- 28 z. To each surrogate, one copy;
- 29 aa. To each county clerk, one copy;
- 30 ab. To each sheriff, one copy;
- 31 ac. To Rutgers, The State University, two copies; and the law
32 schools, five copies each;
- 33 ad. To the law school of Seton Hall University, five copies;
- 34 ae. To Princeton University, two copies;
- 35 af. To the Library of Congress, four copies;
- 36 ag. To the New Jersey Historical Society, one copy;
- 37 ah. To every library provided by the board of chosen freeholders
38 of any county at the courthouse in each county, one copy;
- 39 ai. To the library of every county bar association in this State, one
40 copy;
- 41 aj. To each incorporated library association in this State, which has
42 a law library at the county seat of the county in which it is located, one
43 copy;
- 44 ak. To each judge of the tax court, one copy;
- 45 al. The State Library, 60 copies, five of which shall be deposited
46 in the Law Library, and 55 of which shall be used by the State

1 Librarian to send one copy to the state library of each state and
2 territory of the United States, the same to be in exchange for the law
3 reports of such states and territories sent to the State Library, which
4 reports shall be deposited in and become part of the collection of the
5 Law Library.

6 The remaining copies of such reports shall be retained by the
7 administrative director for the use of the State and for such further
8 distribution as he may determine upon.

9 (cf: P.L.1991, c.91, s.29)

10

11 2. N.J.S.18A:4-34 is amended to read as follows:

12 18A:4-34. Each assistant commissioner shall perform such duties
13 in the public school system of the State as may from time to time be
14 assigned to him by the commissioner, which shall include, but need not
15 be limited to, any one or more of the following:

16 a. The supervision of curriculum and instruction;

17 b. The supervision of vocational education;

18 c. The hearing and determination of controversies and disputes
19 which may arise under the school laws, or the rules of the State board,
20 or of the commissioner; and

21 d. The supervision of business and financial matters[; and

22 e. The supervision of the Division of the State Library, Archives
23 and History].

24 (cf: P.L.1977, c.322, s.2)

25

26 3. Section 11 of P.L.1969 c.158 (C.18A:73-26) is amended to read
27 as follows:

28 11. Upon the enactment of P.L. _____, c. _____ (C. _____)(now pending
29 before the Legislature as this bill), Thomas Edison State College shall
30 be responsible for the administration [The Division] of the State
31 Library [, Archives and History in the State Department of Education
32 is continued]. The State Library shall be in, but not of, the
33 Department of State.

34 (cf: P.L.1969, c.158, s.11)

35

36 4. Section 12 of P.L.1969 c.158 (C.18A:73-27) is amended to read
37 as follows:

38 12. The [division] State Library shall consist of [an assistant
39 commissioner] the State Librarian and an advisory council and such
40 other personnel as the [Commissioner of Education] President of
41 Thomas Edison State College may deem necessary for the efficient
42 administration thereof.

43 (cf: P.L.1977, c.322, s.3)

44

45 5. Section 13 of P.L.1969, c.158 (C.18A:73-28) is amended to
46 read as follows:

1 13. There shall be within the [Division of the] State Library[,
2 Archives and History] an advisory council which shall be designated
3 as the Advisory Council of the [Division of the] State Library[,
4 Archives and History]. Such advisory council shall consist of [8]
5 eight members. The [commissioner] President of Thomas Edison
6 State College or the designee thereof shall serve as a member ex
7 officio. The other [7] seven members shall be appointed by the
8 Governor by and with the advice and consent of the Senate for a term
9 of [5] five years, beginning on July 1, and ending June 30, except as
10 hereinafter provided. [The 5 appointed members serving on the
11 effective date of this act shall continue in office for the remainder of
12 the respective terms for which they were appointed. The 2 additional
13 members shall be appointed one for a term ending 4 years and one for
14 a term ending 5 years from the June 30 following the effective date of
15 this act.] Each member shall serve until his successor has been
16 appointed and qualified. In case of a vacancy, however, occurring, the
17 successor shall be appointed in like manner for the unexpired term
18 only. [The State Librarian shall serve in the capacity of the secretary
19 of the council.] The council shall meet at least 4 times a year. It
20 shall frame and modify by-laws for its own government, and elect its
21 chairman and other officers. Any member of the advisory council may
22 be removed from office by the Governor for cause, upon notice and
23 opportunity to be heard.

24 (cf: P.L.1969, c.158, s.13)

25

26 6. Section 15 of P.L.1969, c.158 (C.18A:73-30) is amended to
27 read as follows:

28 15. The members of the advisory council shall serve without
29 compensation, but shall be reimbursed by Thomas Edison State
30 College for necessary expenses incurred in the performance of their
31 duties under this act. The expenses shall be paid from the direct State
32 services portion of the annual appropriation for the State Library.

33 (cf: P.L.1969, c.158, s.15)

34

35 7. Section 16 of P.L.1969, c.158 (C.18A:73-31) is amended to
36 read as follows:

37 16. The advisory council shall give advice and make
38 recommendations to:

39 (a) The [Commissioner of Education] President of Thomas Edison
40 State College with regard to the appointment of the State Librarian;

41 (b) The [Commissioner of Education] President of Thomas Edison
42 State College and the State Librarian with regard to

43 (1) The policies and operations of the [Division of the] State
44 Library[, Archives and History] and the State's library program;

45 (2) The adoption, amendment or rescission of such rules and

1 regulations as may be necessary for the implementation of this act;
2 (3) Minimum standards of library service;
3 (4) The apportionment of State aid to libraries;
4 (5) Contractual arrangements for library services to which the
5 **[State Department of Education] State Library** is a party.
6 (cf: P.L.1969, c.158, s.16)

7
8 8. Section 17 of P.L.1969 C.158 (C.18A:73-32) is amended to
9 read as follows:

10 17. The **[assistant commissioner for the division shall be the] State**
11 **Librarian[.**

12 The **assistant commissioner]** shall be a graduate of an accredited
13 university or college and shall, prior to **[his] the** appointment, have
14 graduated from a school of library service accredited by the American
15 Library Association, and have had at least **[4] four** years of library
16 experience in a responsible administrative capacity.
17 (cf: P.L.1977, c.322, s.4)

18
19 9. Section 18 of P.L.1969 c.158 (C.18A:73-33) is amended to read
20 as follows:

21 18. The position of State Librarian is hereby established.

22 The President of Thomas Edison State College shall appoint the
23 State Librarian. The State Librarian shall head the [division] State
24 Library and shall, with the approval and under the supervision of [the
25 Commissioner of Education] Thomas Edison State College:

26 (a) Direct and administer the work of the **[division] library;**

27 (b) Administer all laws which are by their terms included under the
28 jurisdiction of the **[division] library;**

29 (c) Establish and organize the bureaus therein;

30 (d) Allocate the duties to be performed by the personnel of the
31 State Library and the bureaus established within the library;

32 (e) Prescribe such rules and regulations, not inconsistent with law,
33 as may be necessary to effectuate his powers and duties under this act;

34 (f) Prescribe minimum standards of service for libraries in the State
35 of New Jersey as may be necessary to effectuate **[his] the State**
36 **Librarian's** powers under the law.

37 (cf: P.L.1969, c.158, s.18)

38
39 10. Section 6 of P.L.1983, c.486 (C.18A:73-33.1) is amended to
40 read as follows:

41 6. In addition to the duties prescribed in section 18 of P.L.1969,
42 c.158 (C.18A:73-33), the State Librarian shall on or before October
43 31 of each year prepare an annual report on the activities of the library
44 network for the preceding year. The report shall be transmitted to the
45 **[commissioner] President of Thomas Edison State College** who, upon

1 [his] the approval of the report thereby, shall transmit it to [the State
2 Board of Education, and to] the Governor, the Thomas Edison State
3 College Board of Trustees and the Chairman of the [Education] State
4 Government Committee, or successor committee, of each House of the
5 Legislature. The report shall set forth a complete operating and
6 financial statement covering the library network's operation during the
7 preceding year. ¹[The report shall also contain such information as
8 may be necessary to provide an adequate description of the measures
9 taken in the previous year to implement the plan for the library
10 network submitted pursuant to subsection b. of this section, the
11 performance of the library network in accordance with that plan, and
12 an explanation of any changes or additions made in or to that plan
13 during that year.]¹

14 b. [The first report submitted pursuant to subsection a. of this
15 section shall contain a plan for the establishment of the library
16 network; the designation of library regions; the structure,
17 organization, and governance of regional library cooperatives; the
18 designation of libraries to provide cooperative library services to the
19 library network; and a proposed budget for the first year of the library
20 network's operations.] Deleted by amendment, P.L. , c. (now
21 pending before the Legislature as this bill).
22 (cf: P.L.1983, c.486, s.6)
23

24 11. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to
25 read as follows:

26 19. a. The [Commissioner of Education] President of Thomas
27 Edison State College or the designee thereof shall, with the advice of
28 the State Librarian, appoint all professional staff in the [division]
29 library, and fix the compensation of all such persons thus appointed.
30 [He] The President of Thomas Edison State College or the designee
31 thereof shall appoint such other personnel as [he] that person may
32 consider necessary for the efficient performance of the work of the
33 [division] library and fix their compensation. All persons thus
34 appointed shall be subject to the provisions of Title [11] 11A, Civil
35 Service, of the [Revised] New Jersey Statutes.

36 b. For all purposes, the employees of the State Library shall be
37 considered employees of Thomas Edison State College.

38 c. Thomas Edison State College shall maintain, in a manner
39 acceptable to the Department of Personnel, the personnel records of
40 all employees and positions currently on staff and funded. All such
41 records shall be subject to audit by the Department of Personnel.

42 d. The State shall be responsible for paying the entire employer
43 contribution of the pension and benefits costs for the State Library
44 employees whose salaries are funded from the direct State services
45 portion of the annual appropriation for the State Library.

46 (cf: P.L.1969, c.158, s.19)

1 12. Section 20 of P.L.1969 c.158 (C.18A:73-35) is amended to
2 read as follows:

3 20. The **[division] State Library** shall:

4 (a) Maintain library resources and information services over a broad
5 range of subjects which affect the educational, intellectual, cultural,
6 economic and political life of the State;

7 (b) Provide special library services for the legislative, executive and
8 judicial branches of State Government, supplemental library service for
9 New Jersey libraries and citizens and direct library service for the
10 handicapped;

11 (c) Purchase or otherwise acquire, and maintain a general collection
12 of books, periodicals, newspapers, maps, slides, films and other library
13 materials for the use of State and local governments, libraries, and the
14 public generally; and exchange, discard, sell, or otherwise dispose of
15 books and library materials as required within the purposes stated
16 herein and all moneys to be secured from such sales shall be paid into
17 the treasury to be used for the benefit of the State Library when
18 appropriated to that purpose;

19 (d) Maintain as part of the State Library, a general reference
20 service; a legislative reference service; a law library service; a
21 documents depository service; an archival service for New Jersey
22 materials; a records management service for State and local
23 governments; a deposit and exchange service for library materials; an
24 interlibrary loan service; an advisory service for public libraries,
25 school libraries, libraries of institutions of higher education, industrial,
26 commercial and other special libraries, State department and agency
27 libraries, and the libraries the State maintains within the institutions
28 carrying out its health, welfare and correctional programs; and a
29 library service for the handicapped; and provide such other services
30 as may be required by law;

31 (e) Preserve the records of the history of New Jersey through its
32 official archives and other materials and promote interest and research
33 in the history of the State;

34 (f) Co-ordinate a State-wide system of libraries in New Jersey, and
35 administer State and Federal programs for the development of
36 libraries, library facilities, library resources and library services in
37 New Jersey, and require such reports as are necessary for the proper
38 administration of its duties and for the gathering and publishing of
39 annual and occasional statistics on libraries in the State;

40 (g) Promote and demonstrate library service throughout the State,
41 and study library problems and needs in New Jersey and make the
42 resultant findings known generally.

43 (cf: P.L.1969, c.158, s.20)

44

45 13. Section 2 of P.L.1983, c.486 (C.18A:73-35b) is amended to
46 read as follows:

1 2. The Legislature finds and declares that promoting cooperation
2 among the various types of libraries in New Jersey will provide this
3 State's residents with full and equal access to library materials and
4 programs not currently available within their communities; that
5 increased cooperation and access will help control the cost of
6 maintaining local libraries, while providing for improved services; that
7 establishing a library network can best be accomplished by assisting
8 libraries to form cooperatives on a regional basis and by having the
9 [Division of the] State Library[, Archives and History] promote,
10 coordinate and fund such cooperative efforts, as well as provide and
11 coordinate library services on a Statewide basis.
12 (cf: P.L.1986, c.174, s.1)

13

14 14. Section 3 of P.L.1983, c.486 (C.18A:73-35c) is amended to
15 read as follows:

16 3. As used in this act:

17 a. ["Commissioner"] "President" means the [Commissioner of
18 the Department of Education] President of Thomas Edison State
19 College or the designee thereof ;

20 b. ["Division"] "State Library" means the [Division of the State
21 Library, Archives and History in the Department of Education]
22 State's research library and depository for State and federal documents
23 affiliated with Thomas Edison State College;

24 c. "Library" means any library eligible for advisory service from
25 the division as provided in subsection d. of section 20 of P.L.1969,
26 c.158 (C.18A:73-35); any county audiovisual aids center established
27 pursuant to N.J.S. 18A:51-1 et seq.; and any educational
28 [improvement] information and resource center established pursuant
29 to [P.L.1978, c.58 (C.18A:6-95 et seq.)] P.L.1983, c.486 (C.18A:73-
30 35a et seq.);

31 d. "Library region" means a geographic area designated by the
32 State Librarian pursuant to this act within which libraries may establish
33 a regional library cooperative;

34 e. "Library network" means all libraries in all regional library
35 cooperatives, the State Library, and any library providing services to
36 other libraries; and

37 f. "Regional library cooperative" means a membership organization
38 of libraries within a library region which has agreed to provide and
39 receive cooperative library services.

40 (cf: P.L.1983, c.486, s.3)

41

42 15. Section 4 of P.L.1983 , c.486 (C.18A:73-35d) is amended to
43 read as follows:

44 4. In addition to the duties prescribed in section 20 of P.L.1969,
45 c.158 (C.18A:73-35), the [division] State Library shall establish,
46 organize, supervise and fund the library network, as well as provide

1 library services on a regional as well as a Statewide basis. To
2 effectuate the purposes of this act, the [division] State Library shall:
3 a. establish library regions to encompass all of the State's territory; b.
4 provide for the creation, structure, funding, and governance of a
5 regional library cooperative for each library region; c. enter into
6 contracts with any library or service-providing agency to provide
7 cooperative library services to any members of the library network; d.
8 determine the kinds of cooperative services to be provided and
9 received by members of the network; and e. provide direct services to
10 members of the network, on a regional as well as a Statewide basis.
11 (cf: P.L.1986, c.174, s.2)

12

13 16. Section 8 of P.L.1983, c.486 (C.18A:73-35f) is amended to
14 read as follows:

15 8. To provide an efficient and effective library network in
16 accordance with objectives of this act, no regional library cooperative
17 or any library with which the [division] State Library contracts to
18 provide cooperative services on a regional as well as a Statewide basis
19 to the library network shall participate in any apportionment of State
20 funds pursuant to this act unless it operates in compliance with the
21 rules and regulations which have been, or may be, prescribed by law
22 or promulgated by the [division and approved by the commissioner
23 and the State Board of Education] State Librarian with the approval
24 of the President of Thomas Edison State College.

25 (cf: P.L.1986, c.174, s.4)

26

27 17. Section 9 of P.L.1983, c.486 (C.18A:73-35g) is amended to
28 read as follows:

29 9. On or before November 15 in each year, the State Librarian,
30 with the approval of the [commissioner] President, shall estimate the
31 amount necessary to be appropriated to carry out the provisions of this
32 act for the succeeding fiscal year and shall determine for budget
33 purposes the amount estimated to be payable to each regional library
34 cooperative or library with which the [division] State Library
35 contracts to provide cooperative service to the library network for that
36 year and the amount necessary for supplemental library services
37 provided directly. The amount requested for direct services shall not
38 exceed 20% of the total amount appropriated. The State Librarian
39 shall make such determination for budget purposes upon the basis of
40 appropriations for library network purposes made by the Legislature
41 in the current calendar year.

42 On or before September 15 of each succeeding year, the State
43 Librarian shall make a final determination of the payments to be made
44 under this act.

45 (cf: P.L.1986, c.174, s.5)

1 18. Section 8 of P.L.1986, c.174 (C.18A:73-35g1) is amended to
2 read as follows:

3 8. Notwithstanding the provisions of any other law to the contrary,
4 all funds previously appropriated to fund area libraries pursuant to
5 N.J.S.18A:74-4 and research library centers pursuant to
6 N.J.S.18A:74-5 are appropriated to the [Division of the] State
7 Library, [Archives and History] for the purpose of funding the library
8 network.

9 In succeeding fiscal years the State Librarian shall make the budget
10 determinations required by section 9 of P.L.1983, c.486
11 (C.18A:73-35g), based on previous appropriations for library network
12 purposes, which shall include the transfer of area library and research
13 library center appropriations made pursuant to this section.

14 (cf: P.L.1986, c.174, s.8)

15

16 19. Section 10 of P.L.1983, c.486 (C.18A:73-35h) is amended to
17 read as follows:

18 10. The sums payable pursuant to this act shall be payable on
19 October 1 following the final determination in each year. Payments
20 shall be made by [the State Treasurer upon certificate of the
21 commissioner and warrant of the Director of the Division of Budget
22 and Accounting] Thomas Edison State College. Payment shall be
23 made to the receiving officer designated by each regional library
24 cooperative, each library with which the division contracts to provide
25 cooperative service to the library network and to the State library for
26 the cost of providing direct Statewide library services to the library
27 network.

28 (cf: P.L.1986, c.174, s.6)

29

30 20. Section 11 of P.L.1983, c.486 (C.18A:73-35i) is amended to
31 read as follows:

32 11. The [division] State Librarian may, with the approval of the
33 [commissioner and the State Board of Education] President,
34 promulgate pursuant to the "Administrative Procedure Act,"
35 P.L.1968, c. 410 (C.52:14B-1 et seq.), such rules and regulations as
36 it deems necessary to effectuate the purposes of this act.

37 (cf: P.L.1983, c.486, s.11)

38

39 21. Section 12 of P.L.1983, c.486 (C.18A:73-35j) is amended to
40 read as follows:

41 12. There shall be appropriated in the first fiscal year following the
42 receipt by the Legislature of the first annual report and in each fiscal
43 year thereafter following the receipt by the Legislature of each
44 subsequent annual report required pursuant to section 6 of [this act]
45 P.L.1983, c.486 (C.18A:73-33.1), such sums as may be necessary for
46 the operations of the library network. If the sums appropriated at any

1 time are insufficient to carry out in full the provisions of this act, the
2 **[commissioner with the approval of the State Board of Education]**
3 President, with the approval of the Thomas Edison State College
4 Board of Trustees, shall allocate such sums on a pro rata basis. A sum
5 not to exceed 1% of such total or supplemental appropriation for the
6 purposes of this act may be allocated for the administrative cost
7 thereof.

8 (cf: P.L.1983, c.486, s.12)

9

10 22. Section 1 of P.L.1980, c.149 (C.18A:73-35.1) is amended to
11 read as follows:

12 1. The State Librarian may, within the limits of funds appropriated
13 or otherwise made available to the **[Division of the] State Library[,**
14 **Archives and History]**, purchase the following without advertising for
15 bids: library materials including books, periodicals, newspapers,
16 documents, pamphlets, photographs, reproductions, microfilms,
17 pictorial or graphic works, musical scores, maps, charts, globes, sound
18 recordings, slides, films, filmstrips, video and magnetic tapes, other
19 printed or published matter, and audiovisual and other materials of a
20 similar nature and necessary binding or rebinding of library materials.

21 (cf: P.L.1980, c.149, s.1)

22

23 23. Section 23 of P.L.1969, c.158 (C.18A:73-38) is amended to
24 read as follows:

25 23. The State Library shall be kept open during the normal
26 working hours of State Government and at all times during which the
27 Legislature and the courts of this State and of the United States which
28 sit at Trenton are in session, and at such other times as the State
29 Librarian, with the approval of the **[Commissioner of Education]**
30 President of Thomas Edison State College, shall prescribe.

31 (cf: P.L.1969, c.158, s.23)

32

33 24. Section 24 of P.L.1969, c.158 (C.18A:73-39) is amended to
34 read as follows:

35 24. **[Subject to approval by the State Board of Education, the**
36 **Commissioner of Education]** The President of Thomas Edison State
37 College may apply for and accept on behalf of the State of New Jersey
38 and, through the **[Division of the] State Library[, Archives and**
39 **History]**, administer for the State, any funds, books and library
40 facilities applicable to public or school library purposes, granted or
41 provided by the Federal Government, or any agency or officer thereof,
42 under or pursuant to any Federal Law heretofore or hereafter enacted
43 authorizing grants to the States for such purposes or for similar
44 purposes.

45 (cf: P.L.1969, c.158, s.24)

1 25. Section 25 of P.L.1969, c.158 (C.18A:73-40) is amended to
2 read as follows:

3 25. In the event that under or pursuant to any such Federal law it
4 is required that a State agency be designated to carry out the purpose
5 of such law, including the administration or suspension of
6 administration of any plan or program pursuant thereto, [the State
7 Department of Education] Thomas Edison State College shall be the
8 sole agency in this State for carrying out such purposes. The
9 Governor is hereby authorized to make such designation, and [the
10 State Department of Education] Thomas Edison State College is
11 hereby empowered to act as the sole agency in this State for carrying
12 out such purposes.
13 (cf: P.L.1969, c.158, s.25)

14
15 26. Section 26 of P.L.1969, c.158 (C.18A:73-41) is amended to
16 read as follows:

17 26. [The State Treasurer] Thomas Edison State College shall
18 receive and provide for the proper custody of any funds granted by the
19 Federal Government for such public or school library purposes, under
20 or pursuant to any Federal law. All moneys so received shall be used
21 exclusively for the purposes of any such law. Such moneys shall be
22 expended in the same manner as any funds of the State are expended,
23 upon vouchers certified or approved by the [Commissioner of
24 Education] President of Thomas Edison State College or [his] the
25 duly authorized representative thereof, as provided by law.

26 Thomas Edison State College shall submit to the State Treasurer
27 copies of any final financial status reports submitted to the federal
28 government for grants or other funds received by the college.
29 (cf: P.L.1969, c.158, s.26)

30
31 27. Section 1 of P.L.1985, c.279 (C.18A:74-3.2) is amended to
32 read as follows:

33 1. [The Division of the State Library, Archives and History in the
34 Department of Education, upon the approval of the Commissioner of
35 the Department of Education and the State Board of Education,]
36 Thomas Edison State College shall annually, within the limitations of
37 amounts appropriated by the Legislature, distribute funds pursuant to
38 rules and regulations adopted according to N.J.S.18A:74-1 et seq.
39 upon certification of the State Library;

40 a. To any municipality which receives State aid pursuant to
41 P.L.1978, c.14 (C.52:27D-178 et seq.) and supports, in whole or in
42 part, a municipal library which maintains one or more branch libraries,
43 to assist solely in maintaining, operating and improving those branch
44 libraries to meet community needs;

45 b. To any county or municipality which supports, in whole or in

1 part, library services from county or municipal tax revenues to
2 evaluate and develop the collections of any library receiving such
3 funds; and

4 c. To any library in the State which houses and maintains a
5 collection of historical or special interest, to be used to house, protect,
6 preserve, repair, restore and maintain the collection.

7 Funds allocated pursuant to this section shall be distributed as
8 grants to qualifying applicants, based on competitive criteria and a
9 selection process established by the [Division of the State Library,
10 Archives and History and approved by the commissioner and State
11 Board of Education] State Library. No rule or regulation shall be
12 adopted nor any application approved nor grant made under this
13 section which creates or implies, by its nature or purpose, a continuing
14 assistance grant or entitlement of indefinite length.

15 (cf: P.L.1985, c.297, s.1)

16

17 28. Section 2 of P.L.1985, c.297 (C.18A:74-3.3) is amended to
18 read as follows:

19 2. [The Division of the State Library, Archives and History, upon
20 the approval of the Commissioner of the Department of Education and
21 the State Board of Education] Thomas Edison State College, after
22 consultation with the State Librarian, shall annually, within the
23 limitations of amounts appropriated by the Legislature, distribute funds
24 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
25 et seq., for audiovisual public library services.

26 (cf: P.L.1985, c.297, s.2)

27

28 29. Section 3 of P.L.1985, c.297 (C.18A:74-3.4) is amended to
29 read as follows:

30 3. [The Division of the State Library, Archives and History, upon
31 the approval of the Commissioner of the Department of Education and
32 the State Board of Education] Thomas Edison State College, after
33 consultation with the State Librarian, shall annually, within the
34 limitations of amounts appropriated by the Legislature, distribute funds
35 pursuant to rules and regulations adopted according to N.J.S.18A:74-1
36 et seq., for library services to persons institutionalized in health,
37 mental health, mental retardation, veterans', residential, correctional
38 and other similar facilities which are operated by or under contract to
39 the State or to county or municipal governments.

40 (cf: P.L.1985, c.297, s.3)

41

42 30. Section 1 of P.L.1981, c.225 (C.18A:74-4.1) is amended to
43 read as follows:

44 1. The [Commissioner of Education] Thomas Edison State
45 College, after consultation with the State Librarian, and after
46 consultation with the Commission for the Blind and Visually

1 Impaired, shall purchase and provide to designated area libraries or
2 other public facilities accessible to the blind or visually impaired that
3 may be appropriate an optical scanner, which converts printed
4 materials into synthetic speech for the benefit of the blind and visually
5 impaired. The [commissioner] President of Thomas Edison State
6 College shall provide for the training of personnel in the proper use of
7 these devices.

8 (cf: P.L.1981, c.225, s.1)

9

10 31. N.J.S.18A:74-6 is amended to read as follows:

11 18A:74-6. There shall be appropriated annually the sum of
12 \$200,000.00 to be distributed by [commissioner upon the approval of
13 the state board] Thomas Edison State College and in accordance with
14 its rules and regulations to meet unforeseeable conditions in any
15 municipality or county, and to encourage the formation and
16 development of larger units of service pursuant to law. The amount
17 of such emergency aid or incentive grant shall be payable by the [state
18 treasurer upon the certification of the commissioner] President of
19 Thomas Edison State College upon certification by the State Librarian.
20 (cf: N.J.S.18A:74-6)

21

22 32. N.J.S.18A:74-7 is amended to read as follows:

23 18A:74-7. On or before November 15 in each year, the
24 [commissioner] State Library shall estimate the amount necessary to
25 be appropriated to carry out the provisions of this chapter for the
26 succeeding fiscal year and shall determine for budget purposes the
27 amount estimated to be payable to each of the counties and
28 municipalities under this chapter for such succeeding year. The
29 [commissioner] State Library shall make such determination for
30 budget purposes upon the basis of the annual appropriations for library
31 purposes for the current calendar year.

32 On or before September 15 of each succeeding year, the
33 [commissioner] State Library shall make [his] the final determination
34 of the payments to be made under this chapter upon the basis of the
35 annual expenditures for library purposes for the preceding calendar
36 year.

37 (cf: N.J.S.18A:74-7)

38

39 33. N.J.S.18A:74-8 is amended to read as follows:

40 18A:74-8. The sums payable as state aid, as finally determined by
41 the [commissioner] State Library shall be payable on October 1
42 following the final determination in each such year. Payments shall be
43 made by the state treasurer upon certificate of the [commissioner]
44 President of Thomas Edison State College, the State Librarian, and
45 warrant of the director of the division of budget and accounting.

1 Payment shall be made to the governing body of each municipality
2 qualifying for aid under this chapter and to the treasurer of each
3 county which supports a regional or county library system, and to the
4 receiving officer designated by each research library center.

5 (cf: N.J.S.18A:74-8)

6

7 34. N.J.S.18A:74-10 is amended to read as follows:

8 18A:74-10. In order to participate in any apportionment made
9 according to the provisions of this chapter, municipalities and counties
10 shall comply with the regulations and standards which have been, or
11 which may be, prescribed by law or recommended by the advisory
12 council of the [division of the] state library[, archives and history, and
13 approved by the state board] for the operation and improvement of
14 free public libraries to provide efficient and effective library services,
15 to insure public benefit and convenience therefrom and to achieve the
16 objects of this chapter.

17 (cf: N.J.S.18A:74-10)

18

19 35. N.J.S.18A:74-12 is amended to read as follows:

20 18A:74-12. The [commissioner] Department of the Treasury, at
21 the request of the State Librarian, is hereby empowered to withhold
22 any form of state library aid from any municipality, county, or area
23 library which does not comply with the provisions of chapters 33 and
24 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of
25 1947 (C.45:8A-1, et seq.) wherever applicable, or with any rules and
26 regulations duly adopted pursuant to said statutes or this chapter, or
27 which reduces its annual expenditures for library services pursuant to
28 chapters 33 and 54 of Title 40 of the Revised Statutes below the
29 average of those expenditures for normal, recurring, operating costs
30 made during the three years previous to receipt of the first state aid
31 under this chapter.

32 (cf: N.J.S.18A:74-12)

33

34 36. N.J.S.18A:74-13 is amended to read as follows:

35 18A:74-13. There is hereby appropriated for the purposes of this
36 chapter such sums as may be included therefor in any annual or
37 supplemental appropriation. In the event the sums appropriated at any
38 time are insufficient to carry out in full the provisions of this chapter,
39 the [commissioner, with the approval of the state board] State Library
40 shall allocate such sums on the basis of the method of allocation
41 described in this chapter to the extent [that he deems] deemed
42 advisable and practicable. A sum not to exceed 1% of such total
43 annual or supplemental appropriation for the purposes of this chapter
44 may be allocated [by the commissioner] to Thomas Edison State
45 College for the administrative costs thereof.

46 (cf: N.J.S.18A:74-13)

1 37. Section 3 of P.L.1973, c.381 (C.18A:74-16) is amended to
2 read as follows:

3 3. For the purposes of this act unless the context clearly indicates
4 otherwise:

5 a. "Act" means the "New Jersey Library Construction Incentive
6 Act."

7 b. "Area" means all or part of one or more political subdivisions
8 of the State of New Jersey.

9 c. "Project," "construction project," "rehabilitation project,"
10 "expansion" or "acquisition," means a project which is eligible for a
11 grant under regulations and standards promulgated under this act.
12 When used alone, "project" means any construction, expansion, or
13 rehabilitation project or acquisition.

14 d. "Public library" means a library that serves free of charges all
15 residents of an area without discrimination and receives its financial
16 support, in whole or in part, from public funds. "Public library" does
17 not include any special-purpose library, such as a law, medical, school
18 or academic library, which are organized to serve a special clientele
19 or purpose.

20 e. "Authorized applicant" means a public library as defined in
21 paragraph d. hereof.

22 f. "Eligible project costs" means costs incurred in a project
23 approved by the [Commissioner of Education] President of Thomas
24 Edison State College, a portion of which may be reimbursed.

25 g. ["Commissioner" means the Commissioner of Education of the
26 State of New Jersey or his designated representative] "President"
27 means the President of Thomas Edison State College.

28 h. "Fiscal year" means the period between July 1 of any calendar
29 year and June 30 of the next succeeding calendar year.

30 (cf: P.L.1973, c.381, s.3)

31

32 38. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to
33 read as follows:

34 4. The administration of this act shall be governed by rules and
35 regulations, recommended by the Advisory Council of the [Division
36 of the] State Library[, Archives and History], and promulgated by
37 [the commissioner] State Librarian with the approval of the State
38 Board of Education] President of Thomas Edison State College.

39 (cf: P.L.1973, c.381, s.4)

40

41 39. Section 5 of P.L.1973, c.381 (C.18A:74-18) is amended to
42 read as follows:

43 5. In order to participate in any grant made according to the
44 provisions of this act, the applicant shall comply with the rules and
45 regulations adopted as provided in section 4 of this act. Application
46 for grants under this act shall be made to the [commissioner]

1 President on forms specified in said rules and regulations.
2 Applications shall be approved by the [commissioner] President in
3 accordance with said rules and regulations. The [commissioner]
4 President is hereby empowered to withhold any grants from any
5 public library which does not comply with said rules and regulations.
6 (cf: P.L.1973, c.381, s.5)

7

8 40. Section 6 of P.L.1973, c.381 (C.18A:74-19) is amended to
9 read as follows:

10 6. The [State] President shall reimburse each authorized applicant
11 whose application has been approved for a portion of its eligible
12 project costs, determined in accordance with the rules and regulations
13 promulgated pursuant to this act.

14 (P.L.1973, c.381, s.6)

15

16 41. Section 7 of P.L.1973, c.381 (C.18A:74-20) is amended to
17 read as follows:

18 7. The following project costs shall be eligible for grants, at the
19 discretion of the [commissioner] President, when incurred after the
20 date of project approval, or after such date as is indicated in
21 paragraphs 3 and 5 of this section:

22 a. Construction of new buildings to be used for public library
23 purposes.

24 b. Expansion, rehabilitation or acquisition of existing buildings to
25 be used for public library purposes.

26 c. Expenses (other than interest and the carrying charge on bonds)
27 related to the acquisition of land on which there is to be construction
28 of new buildings or expansion of existing buildings to be used for
29 public library purposes which are incurred within the [3] three fiscal
30 years preceding the fiscal year in which the project is approved by the
31 [commissioner] President, provided such expenses constitute an
32 actual cost or a transfer of public funds in accordance with the usual
33 procedures generally applicable to all State and local agencies and
34 institutions.

35 d. Site grading and improvement of land on which buildings used
36 for public library purposes are located or are to be located.

37 e. Architectural, engineering, consulting and inspection services
38 related to the specific project for which application for financial
39 assistance is made, provided the costs of such services are incurred
40 within [3] three fiscal years preceding the year in which the project is
41 approved by the [commissioner] President.

42 f. Expenses (other than interest and the carrying charges on bonds)
43 related to the acquisition of existing buildings to be used for public
44 library purposes, provided such expenses constitute an actual cost or
45 a transfer of public funds in accordance with the usual procedures
46 generally applicable to all State and local agencies and institutions.

1 g. Expenses relating to the acquisition and installation of initial
2 equipment to be located in public library facilities, provided by a
3 construction project, including all necessary building fixtures and
4 utilities, office furniture and public library equipment, such as library
5 shelving and filing equipment, card catalogs, cabinets, circulation
6 desks, reading tables, study carrels, booklifts, elevators and
7 information retrieval devices (but not books or other library materials).
8 (cf: P.L.1973, c.381, s.7)

9
10 42. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to
11 read as follows:

12 8. The **[commissioner]** President shall require that projects
13 constructed with the use of State funds under this act shall, to the
14 extent appropriate be accessible to and usable by handicapped persons.
15 (cf: P.L.1973, c.381, s.8)

16
17 43. Section 9 of P.L.1973, c.381 (C.18A:74-22) is amended to
18 read as follows:

19 9. Whenever public library facilities, items of equipment or land to
20 which the State has contributed funds under this act are not used for
21 the purposes authorized by the act, the **[commissioner]** President may
22 require that the State be credited with its proportionate share of the
23 fair market value of such facilities, equipment, or land. All moneys so
24 credited shall be remitted to the Treasurer of the State of New Jersey.
25 In no event, however, may the **[commissioner]** President require that
26 the State be so credited when such facilities, equipment or land have
27 been used in excess of 20 years for the purposes authorized by this
28 act.
29 (cf: P.L.1973, c.381, s.9)

30
31 44. Section 4 of P.L.1956, c.108 (C.40:9A-4) is amended to read
32 as follows:

33 4. The **[Commissioner of Education]** State Librarian, subject to
34 the approval of the **[State Board of Education]** President of Thomas
35 Edison State College, shall formulate and promulgate standards for the
36 said federations of libraries to insure the public convenience in the use
37 of such library services.
38 (cf: P.L.1956, c.108, s.4)

39
40 45. R.S.40:33-6 is amended to read as follows:

41 40:33-6. Upon the adoption of the provisions of this article the
42 board of chosen freeholders may contract with an existing library, or
43 library board, within the county or the library commission of a county
44 library already established and furnishing county library services in
45 another county, for the establishment and maintenance of the county
46 free library in accordance with the provisions of this article and

1 subject to the rules and regulations of the board of chosen
2 freeholders. No independently operated county library shall be
3 established hereafter in any county unless a plan for the financing of
4 the same, indicating the amount annually to be assessed, levied and
5 collected in taxes for the establishment and thereafter for the
6 maintenance, thereof, shall be submitted to, and shall be approved as
7 sufficient by, the head of the [bureau of public and school library
8 services] Library Development Bureau in the [Division of the] State
9 Library[, Archives and History in the Department of Education].
10 (cf: P.L.1950, c.189, s.1)

11

12 46. R.S.40:33-8 is amended to read as follows:

13 40:33-8. The county library commission shall organize by the
14 election of a chairman, and shall adopt rules and regulations for the
15 establishment and maintenance of the county library. It shall employ
16 a librarian, if any, as may be required, who shall hold appropriate
17 certificates issued by the State Board of Examiners and such other
18 employees as it shall deem necessary for the performance of its
19 functions. It may purchase such supplies and equipment and incur
20 such expenses as it may deem necessary to carry out the provisions of
21 this article, but shall not incur expenses or make purchases in any
22 fiscal year from public funds in excess of the appropriation for county
23 library purposes for that year. In addition to its other powers, it may
24 accept gifts, devises, legacies and bequests of property, real and
25 personal, and hold and use the property and income of the same in any
26 manner, which is lawful and consistent with the purpose for which the
27 commission is created, and with the provisions of the conveyance, will
28 or other instrument in or under which such gift, devise, legacy or
29 bequest is made and may dispose of the same subject to the same
30 conditions. It shall make an annual report to the financial officer of
31 the county which shall include a statement setting forth in detail all
32 county appropriations made to the library, other public revenues
33 received by the library, all State aid received by the library, all
34 expenditures made by the library and the balance of funds available.
35 The report shall also include an analysis of the state and condition of
36 the library and shall be sent to the county, governing body and to the
37 [Division of] State Library[, Archives and History in the Department
38 of Education]. The [division] State Librarian, with the approval of
39 the President of Thomas Edison State College, shall prescribe by
40 regulation the form of all such reports.

41 (cf: P.L.1985, c.541, s.4)

42

43 47. Section 6 of P.L.1981, c.489 (C.40:33-13.2i) is amended to
44 read as follows:

45 6. The option for reorganization of the county library system
46 provided in this section shall be known as the "Branch Development

1 Option" and shall govern the county library system of any county
2 whose voters have adopted it pursuant to section 5 of this act.

3 a. The county library commission shall establish a branch of the
4 county library in each municipality: (1) which is a member of the
5 county library system upon the effective date of the reorganization of
6 the system; and (2) in which the municipal governing body adopts a
7 resolution approving the establishment of a branch library. The county
8 library commission may establish a joint branch library for two or
9 more adjacent municipalities upon its determination that the library
10 needs of such municipalities could best be served by a joint branch
11 library, and upon the adoption by the governing bodies of all
12 municipalities to be served thereby of joint resolutions, approving the
13 establishment thereof. A branch library or a joint branch library
14 established pursuant to this act shall conform to all standards
15 promulgated by the [Division of the] State Library[, Archives and
16 History] for branch libraries.

17 b. The county library commission shall assure that all branch or
18 joint branch libraries agreed upon pursuant to subsection a. of this
19 section are operating within [3] three calendar years of the effective
20 date of the reorganization of the county library system.

21 c. Any municipality which has agreed to the establishment of a
22 branch library or joint branch library of the county library shall remain
23 a member of the county library system for at least [5] five years
24 following the effective date of the reorganization of the county library
25 system.

26 d. Any municipality which is a member of the county library system
27 and whose governing body does not approve the establishment of a
28 branch library or a joint branch library shall remain a member of the
29 county library system until such time as it elects to withdraw from the
30 system in the manner provided in chapter 33 of Title 40 of the
31 Revised Statutes. The governing body of such a municipality may, by
32 resolution, request that the county library establish a branch library or
33 a joint branch library at any time following the effective date of the
34 reorganization of the county library system, in the manner provided
35 in subsection a.

36 (cf: P.L.1981, c.489, s.6)

37

38 48. Section 7 of P.L.1981, c.489 (C.40:33-13.2j) is amended to
39 read as follows:

40 7. The option for reorganization of the county library system
41 provided in this section shall be known as the "Service Contract
42 Option" and shall govern the county library system of any county
43 whose voters have adopted it pursuant to section 5 of this act.

44 a. The county library commission shall offer a contract to any of
45 the municipalities identified by the county library study commission in
46 its report to provide such municipalities with sufficient staff and

1 materials to insure compliance with standards promulgated by the
2 **[Division of the] State [Library, Archives and History] Librarian,**
3 **with the approval of the President of Thomas Edison State College,**
4 for library service in those municipalities. Municipalities shall accept
5 or reject such contracts by resolution of the governing body.

6 Any municipality which accepts a contract shall determine an
7 appropriate geographic location within the municipality for the staff
8 and materials provided by the county library.

9 b. Any municipality which rejects a contract pursuant to this
10 section and is a member of the county library system shall remain a
11 member of the system until such time as it elects to withdraw from the
12 system in the manner provided in chapter 33 of Title 40 of the
13 Revised Statutes.

14 (cf: P.L.1981, c.489, s.7)

15
16 49. Section 8 of P.L.1981, c.489 (C.40:33-13.2k) is amended to
17 read as follows:

18 8. The option for reorganization of the county library system
19 provided in this section shall be known as the "Tax Base Sharing
20 Option," and shall be available only to any county in which revenues
21 from the dedicated county library tax established pursuant to
22 R.S.40:33-9 or P.L.1977, c.300 (C.40:33-15 et seq.) have been
23 derived from less than 75% of the total assessed property of the
24 county in the calendar year prior to the establishment of the county
25 library study commission. This option shall govern the county library
26 system of any qualified county whose voters have adopted it pursuant
27 to section 5 of this act.

28 a. The governing body of the county shall annually determine a
29 sum sufficient to distribute among certain municipalities and the
30 county according to the following formula:

31 $A = CBS + CRS + LRS$ where: A is the total tax pool to be
32 distributed; CBS is the county base share and is determined as
33 $.0000666 \times$ the apportionment valuation of the county; CRS is the
34 county residual share and is determined as $[A - CBS] \times .60$; and LRS
35 is the local residual share and is determined as $[A - CBS] \times .40$.

36 The county base share (CBS) shall be appropriated to the county
37 library which shall receive no funds from the library tax provided for
38 in R.S.40:33-9 or from the library tax established in P.L.1977, c.300
39 (C.40:33-15 et seq.). The local residual share (LRS) shall be
40 distributed among those municipalities not members of the county
41 library system on January 1, 1982. Each such municipality shall be
42 apportioned an amount of those revenues in a proportion equal to the
43 proportion which that municipality's apportionment valuation is of the
44 apportionment valuation of all such municipalities. Any municipality
45 receiving revenues from the tax base sharing option provided in this
46 section shall appropriate those funds directly to the board of trustees

1 of any library within its borders funded by the municipality in the
2 calendar year prior to the reorganization of the county library system.

3 b. For each year following the reorganization of the county library
4 system, the county library distribution (CBS + CRS) from the formula
5 established in subsection a. of this section shall not be less than the
6 appropriation made to the county library in the calendar year
7 immediately prior to the reorganization of the county library system;
8 provided, however, that in the first calendar year following the
9 reorganization of the county library system, the county library shall
10 receive an appropriation not less than an amount equal to the
11 appropriation made to the county library in the calendar year preceding
12 the reorganization of the system and not more than an amount equal
13 to the prior year's appropriation plus 10% of that appropriation.

14 In each year following the reorganization of the county library
15 system, the governing body of any municipality not a member of the
16 county library system shall appropriate to any library in the
17 municipality which was funded by the municipality prior to the
18 reorganization of the county library system a sum of money not less
19 than the average appropriation made to such libraries in the [3] three
20 years occurring immediately prior to the reorganization of the county
21 library system. The governing body shall also provide any in-kind
22 benefits or the cash equivalent thereof, which were provided to such
23 libraries during that preceding period.

24 c. The county library shall receive State aid as provided in the
25 "State Library Aid Law" (N.J.S.18A:74-1 et seq.) based on
26 expenditures from the total appropriation from the tax base sharing
27 option made to the county library and the total resident population of
28 the county. Any library located within a municipality not a member
29 of the county library system shall receive State aid as provided in the
30 "State Library Aid Law" based on expenditures from the total
31 appropriation made to the library from the municipality and from the
32 portion of the local residual share received by the municipality as
33 provided in subsection a. of this section. Any municipality which is
34 a member of the county library system and which supports a library
35 shall receive State aid as provided in the "State Library Aid Law"
36 based on the total appropriation made by the municipality for library
37 purposes.

38 d. The county library shall make all of its patron services available
39 to all residents of the county. For the purpose of this act "patron
40 services" means services rendered by a library directly to patrons as
41 distinguished from those services rendered to other libraries. Patron
42 services shall include circulation of library materials, reference
43 assistance, and public programs.

44 e. A municipality which maintains a municipal public library within
45 the county shall not dissolve its municipal public library for a period
46 of [2] two calendar years from the effective date of the reorganization

1 of the county library system.

2 f. The county library commission may offer a service contract for
3 library services to any municipality within the county for any library
4 services performed by the county library. Any such contracts shall
5 conform to the contracts established in section 7 of this act.

6 g. The county library study commission shall remain in existence
7 for [1] one calendar year after the effective date of such
8 reorganization. It shall be the responsibility of the commission to
9 evaluate the tax base sharing option and to determine if the
10 appropriation for the county library system is sufficient to provide
11 patron services to all residents of the county and that such services
12 are in compliance with standards promulgated by the [Division of the]
13 State Library[, Archives and History] for such libraries. The
14 commission shall make a report of its findings to the county governing
15 body within [1] one calendar year of the reorganization of the county
16 library system.

17 (cf: P.L.1981, c.489, s.8)

18

19 50. Section 11 of P.L.1981, c.489 (C.40:33-13.2n) is amended to
20 read as follows:

21 11. The [Division of the] State [Library, Archives and History]
22 Librarian, with the approval of [the State Board of Education] the
23 President of Thomas Edison State College is authorized to
24 promulgate, pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it
26 deems necessary to effectuate the purposes of this act.

27 (cf: P.L.1981, c.489, s.11)

28

29 51. Section 3 of P.L.1962, c.134 (C.40:33-13.5) is amended to
30 read as follows:

31 3. The regional library agreement may, from time to time, be
32 amended or supplemented by the adoption of similar resolutions by all
33 the boards of chosen freeholders of the participating counties. A copy
34 of the original regional library agreement, of any amendments or
35 supplements thereto and of the resolutions approving such agreement,
36 amendments or supplements shall be filed with the [Commissioner of
37 Education] State Librarian and with the Director of the Division of
38 Local Government.

39 (cf: P.L.1962, c.134, s.3)

40

41 52. Section 12 of P.L.1962, c.134 (C.40:33-13.14) is amended to
42 read as follows:

43 12. The board of trustees may enter into agreements with the
44 governing body of any municipality which is not then served by the
45 regional library to increase or improve the library services available to
46 the residents of said municipality or to the residents of the

1 municipalities then served by the regional library. Any such
2 agreement shall specify the services to be rendered by the regional
3 library and by the municipality and the amount and nature of payment
4 of any consideration for such services. Any municipality may enter
5 into such agreements with the board of trustees for periods of not
6 more than [5] five years and may renew such agreements for like
7 periods.

8 No such agreement shall be concluded (a) without the approval of
9 the boards of chosen freeholders of the counties participating in the
10 regional library and, (b) in the event that the municipality maintains
11 a municipal public library, without the approval of the board of
12 trustees of such library. Such agreement may be amended and
13 supplemented, from time to time, and a copy of such agreement,
14 amendments and supplements, together with resolutions of the board
15 of trustees approving such agreement, amendments and supplements,
16 shall be filed with the [Commissioner of Education] State Librarian
17 and with the Director of the Division of Local Government.
18 (cf: P.L.1962, c.134, s.12)

19

20 53. Section 5 of P.L.1985, c.541 (C.40:54-8.1) is amended to read
21 as follows:

22 5. Any increase in the amount raised by taxation for the municipal
23 library as required by R.S.40:54-8 shall not exceed the total amount
24 expended by the municipality in the previous year plus 15% of the
25 previous year's total expenditures for the maintenance of a free public
26 library; except that the [director of the Division of] State [Library,
27 Archives and History in the Department of Education] Librarian is
28 authorized to approve additional appropriations to any municipality
29 that requests to appropriate an amount in excess of 15% of the
30 previous year's total library expenditures.

31 (cf: P.L.1985, c.541, s.5)

32

33 54. R.S.40:54-12 is amended to read as follows:

34 40:54-12. The board shall hold in trust and manage all property of
35 the library. It may rent rooms, or, when proper, construct buildings for
36 the use of the library, purchase books, pamphlets, documents, papers
37 and other reading matter, hire librarians, and other necessary
38 personnel, and fix their compensation, make proper rules and
39 regulations for the government of the library, and generally do all
40 things necessary and proper for the establishment and maintenance of
41 the free public library in the municipality. The board may also transfer
42 to and receive from [the deposit and exchange library service of the
43 Bureau of Public and School Library Services, of the Division of the
44 State Library, Archives and History, in the State Department of
45 Education,] other libraries books, magazines, prints, maps and other
46 related library materials for the purpose of augmenting the interlibrary

1 loan service.
2 (cf: P.L.1949, c.98, s.1)

3

4 55. R.S.40:54-15 is amended to read as follows:

5 40:54-15. The board of trustees shall make an annual report to the
6 chief financial officer of the municipality which shall include a
7 statement setting forth in detail all public revenues received by the
8 library, all State aid received by the library, all expenditures made by
9 the library and the balance of funds available. The annual report shall
10 also include an analysis of the state and condition of the library and
11 shall be sent to the municipal governing body and to the [Division of]
12 State Library[, Archives and History in the Department of Education].
13 The [division] State Librarian shall prescribe by regulation the form
14 of all such reports.

15 (cf: P.L.1985, c.541, s.2)

16

17 56. Section 3 of P.L.1959, c.155 (C.40:54-29.5) is amended to
18 read as follows:

19 3. After the introduction of an ordinance approving such joint
20 library agreement, which may be incorporated by reference therein,
21 such agreement shall be and remain on file for public inspection in the
22 municipal clerk's office from the time of introduction of such
23 ordinance and such ordinance shall so state. A copy of such
24 ordinance and of the joint library agreement shall be filed with [the
25 Commissioner of the Department of Education] State Librarian and
26 the Director of the Division of Local Government. Subsequent
27 amendments and supplements to such ordinance and agreement shall
28 be filed in like manner.

29 (cf: P.L.1959, c.155, s.3)

30

31 57. Section 21 of P.L.1959, c.155 (C.40:54-29.23) is amended to
32 read as follows:

33 21. When such discontinuance has been agreed upon or determined
34 and if the governing body of the municipality proposing such
35 discontinuance shall determine to proceed therewith,

36 (a) such governing body shall introduce an ordinance authorizing
37 and directing the submission to the legal voters the question whether
38 said municipality shall discontinue participation in the joint library
39 pursuant to said agreement or determination, which agreement or
40 determination may be incorporated by reference in said ordinance
41 provided said agreement or determination shall be and remain on file
42 in the office of the municipal clerk for public inspection;

43 (b) if said ordinance shall be adopted, a copy thereof and of said
44 agreement or determination shall be filed with the Director of the
45 Division of Local Government and the [Commissioner of the
46 Department of Education] State Librarian; and

1 (c) the question of such discontinuance shall be submitted to the
2 legal voters of such municipality at the next general election to be held
3 therein not less than 40 days after the adoption of said ordinance, and
4 said agreement or determination shall remain on file in the office of
5 the municipal clerk for public inspection pending such election.

6 (cf: P.L.1959, c.155, s.21)

7

8 58. (New section) Unless provided for elsewhere to the contrary,
9 the State Library, with the approval of the President of Thomas Edison
10 State College, may promulgate, pursuant to the Administrative
11 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules as
12 the State Librarian deems necessary for the administration of the State
13 Library.

14

15 59. (New section) The State Library building located at 185 East
16 State Street in Trenton, Mercer County, and the State Library for the
17 Blind and Handicapped, located at 2300 Stuyvesant Avenue in
18 Trenton, Mercer County, shall remain the property of the State of New
19 Jersey. Each building shall be maintained by the Department of
20 Treasury and be entitled to all of the services provided to other State
21 buildings in the Capitol Complex. Any additional costs incurred by the
22 State Library for services at those buildings shall be paid by Thomas
23 Edison State College from the direct State services portion of the
24 annual appropriation for the State Library. The contents of the
25 buildings, including but not limited to the furniture, equipment, State
26 Library collection and library materials, shall be the property of the
27 State of New Jersey, but shall be available to Thomas Edison State
28 College for the use of the State Library and the employees thereof.

29

30 60. (New section) a. The State Treasurer shall disburse to Thomas
31 Edison State College the amount of funds appropriated in the direct
32 State services portion of the annual appropriation for the State
33 Library. The funds shall be paid to the college in four equal
34 installments beginning on July 1 of each year. Thomas Edison State
35 College shall deposit all such funds into separate accounts to be used
36 solely for State Library purposes.

37 b. The State Treasurer shall disburse to Thomas Edison State
38 College the amount of funds appropriated in the State aid portion of
39 the annual appropriation for the State Library. The funds shall be paid
40 to the college on a drawdown schedule to be prepared by Thomas
41 Edison State College and approved by the Office of Management and
42 Budget. Thomas Edison State College shall deposit all such funds into
43 separate accounts to be used solely for State Library purposes.

44 c. Each year, Thomas Edison State College shall prepare and submit
45 to the Office of Management and Budget in the Department of the
46 Treasury a proposed budget for the operation of the State Library

1 during the following fiscal year at the same time that Thomas Edison
2 State College prepares and submits to the Secretary of State for
3 submission to Office of Management and Budget a proposed budget
4 for the operation of the college during the following fiscal year.

5 d. Funds disbursed to Thomas Edison State College for the
6 operations of the State Library, although maintained in separated
7 accounts, shall be considered college funds for all purposes related to
8 purchasing, including for the purposes of the "State College Contracts
9 Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

10 e. Thomas Edison State College is authorized to accept donations
11 on behalf of the State Library and those donated funds shall be
12 maintained in separate accounts to be used solely for State Library
13 purposes.

14 f. Thomas Edison State College shall be entitled to use, solely for
15 State Library purposes, the interest income from any public or private
16 fund established to support the programs and services of the State
17 Library to the extent permitted by law and the terms of the fund.

18 g. Thomas Edison State College shall conduct an independent
19 financial audit of the State Library accounts each year, including
20 accounts that receive federal funds, and shall submit copies of the
21 same to the Department of the Treasury, with the cost of such audits
22 funded from the direct State services portion of the annual
23 appropriation for the State Library.

24 h. Thomas Edison State College shall be responsible for the
25 maintenance of all financial records that involve the operations of the
26 State Library, including those records that relate to federal funds.

27
28 61. (New section) All transfers directed by this act, except as
29 otherwise provided herein, shall be made in accordance with the "State
30 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

31
32 62. Sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and
33 18A:73-42) are repealed.

34
35 63. This act shall take effect immediately.

36
37
38
39
40 Transfers State Library to Thomas Edison State College.

CHAPTER 137

AN ACT concerning the State Library, amending and supplementing various sections of the statutory law, and repealing sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and 18A:73-42).

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

1. N.J.S.2A:12-6 is amended to read as follows:

Distribution of law reports.

2A:12-6. The Administrative Director of the Courts is authorized to distribute or cause to be distributed any bound volumes of the New Jersey Reports and the New Jersey Superior Court Reports heretofore or hereafter published and delivered to him, as follows:

To each member of the Legislature, one copy of each volume of such reports.

To the following named, for official use, to remain the property of the State, the following number of copies of each volume of such reports:

- a. To the Governor, four copies;
- b. To the Department of Law and Public Safety, for the Division of Law, four copies; and the Division of Alcoholic Beverage Control, one copy;
- c. To the Department of the Treasury, for the State Treasurer, one copy; the Division of Taxation, three copies; and the Division of Local Government Services in the Department of Community Affairs, one copy;
- d. To the Department of State, one copy;
- e. To the Department of Personnel, one copy;
- f. To the Department of Banking and Insurance, two copies;
- g. To the Board of Public Utilities in the Department of the Treasury, one copy;
- h. To the Department of Labor, for the commissioner, one copy; the Division of Workers' Compensation, five copies; the State Board of Mediation, one copy; and the Division of Employment Security, three copies;
- i. To the Department of Education, for the commissioner, one copy;
- j. To the Department of Transportation, one copy;
- k. To the Department of Human Services, one copy; and the Department of Corrections, one copy;
- l. To each judge of the federal courts in and for the district of New Jersey, one copy;
- m. To each justice of the Supreme Court, one copy;
- n. To each judge of the Superior Court, one copy;
- o. To the Administrative Director of the Courts, one copy;
- p. To each standing master of the Superior Court, one copy;
- q. (Deleted by amendment, P.L.1983, c.36.)
- r. To the clerk of the Supreme Court, one copy;
- s. To the clerk of the Superior Court, one copy;
- t. (Deleted by amendment, P.L.1983, c.36.)
- u. (Deleted by amendment, P.L.1983, c.36.)
- v. (Deleted by amendment, P.L.1991, c.91.)
- w. (Deleted by amendment, P.L.1991, c.91.)
- x. To each county prosecutor, one copy;
- y. To the Central Management Unit in the Office of Legislative Services, one copy;
- z. To each surrogate, one copy;
- aa. To each county clerk, one copy;
- ab. To each sheriff, one copy;
- ac. To Rutgers, The State University, two copies; and the law schools, five copies each;
- ad. To the law school of Seton Hall University, five copies;
- ae. To Princeton University, two copies;
- af. To the Library of Congress, four copies;
- ag. To the New Jersey Historical Society, one copy;
- ah. To every library provided by the board of chosen freeholders of any county at the courthouse in each county, one copy;
- ai. To the library of every county bar association in this State, one copy;

aj. To each incorporated library association in this State, which has a law library at the county seat of the county in which it is located, one copy;

ak. To each judge of the tax court, one copy;

al. The State Library, 60 copies, five of which shall be deposited in the Law Library, and 55 of which shall be used by the State Librarian to send one copy to the state library of each state and territory of the United States, the same to be in exchange for the law reports of such states and territories sent to the State Library, which reports shall be deposited in and become part of the collection of the Law Library.

The remaining copies of such reports shall be retained by the administrative director for the use of the State and for such further distribution as he may determine upon.

2. N.J.S.18A:4-34 is amended to read as follows:

Duties of assistant commissioner.

18A:4-34. Each assistant commissioner shall perform such duties in the public school system of the State as may from time to time be assigned to him by the commissioner, which shall include, but need not be limited to, any one or more of the following:

- a. The supervision of curriculum and instruction;
- b. The supervision of vocational education;
- c. The hearing and determination of controversies and disputes which may arise under the school laws, or the rules of the State board, or of the commissioner; and
- d. The supervision of business and financial matters.

3. Section 11 of P.L.1969, c.158 (C.18A:73-26) is amended to read as follows:

C.18A:73-26 Responsibility for administration of State Library.

11. Upon the enactment of P.L.2001, c.137 (C.18A:73-42.1 et al.), Thomas Edison State College shall be responsible for the administration of the State Library. The State Library shall be in, but not of, the Department of State.

4. Section 12 of P.L.1969, c.158 (C.18A:73-27) is amended to read as follows:

C.18A:73-27 State Library personnel.

12. The State Library shall consist of the State Librarian and an advisory council and such other personnel as the President of Thomas Edison State College may deem necessary for the efficient administration thereof.

5. Section 13 of P.L.1969, c.158 (C.18A:73-28) is amended to read as follows:

C.18A:73-28 Advisory Council of the State Library.

13. There shall be within the State Library an advisory council which shall be designated as the Advisory Council of the State Library. Such advisory council shall consist of eight members. The President of Thomas Edison State College or the designee thereof shall serve as a member ex officio. The other seven members shall be appointed by the Governor by and with the advice and consent of the Senate for a term of five years, beginning on July 1, and ending June 30, except as hereinafter provided. Each member shall serve until his successor has been appointed and qualified. In case of a vacancy, however, occurring, the successor shall be appointed in like manner for the unexpired term only. The council shall meet at least 4 times a year. It shall frame and modify bylaws for its own government, and elect its chairman and other officers. Any member of the advisory council may be removed from office by the Governor for cause, upon notice and opportunity to be heard.

6. Section 15 of P.L.1969, c.158 (C.18A:73-30) is amended to read as follows:

C.18A:73-30 Reimbursement to advisory council for expenses.

15. The members of the advisory council shall serve without compensation, but shall be reimbursed by Thomas Edison State College for necessary expenses incurred in the performance of their duties under this act. The expenses shall be paid from the direct State services portion of the annual appropriation for the State Library.

7. Section 16 of P.L.1969, c.158 (C.18A:73-31) is amended to read as follows:

C.18A:73-31 Duties of advisory council.

16. The advisory council shall give advice and make recommendations to:

(a) The President of Thomas Edison State College with regard to the appointment of the State Librarian;

(b) The President of Thomas Edison State College and the State Librarian with regard to

(1) The policies and operations of the State Library and the State's library program;

(2) The adoption, amendment or rescission of such rules and regulations as may be necessary for the implementation of this act;

(3) Minimum standards of library service;

(4) The apportionment of State aid to libraries;

(5) Contractual arrangements for library services to which the State Library is a party.

8. Section 17 of P.L.1969, c.158 (C.18A:73-32) is amended to read as follows:

C.18A:73-32 State Librarian, qualifications.

17. The State Librarian shall be a graduate of an accredited university or college and shall, prior to the appointment, have graduated from a school of library service accredited by the American Library Association, and have had at least four years of library experience in a responsible administrative capacity.

9. Section 18 of P.L.1969, c.158 (C.18A:73-33) is amended to read as follows:

C.18A:73-33 Position of State Librarian established, duties.

18. The position of State Librarian is hereby established.

The President of Thomas Edison State College shall appoint the State Librarian. The State Librarian shall head the State Library and shall, with the approval and under the supervision of Thomas Edison State College:

(a) Direct and administer the work of the library;

(b) Administer all laws which are by their terms included under the jurisdiction of the library;

(c) Establish and organize the bureaus therein;

(d) Allocate the duties to be performed by the personnel of the State Library and the bureaus established within the library;

(e) Prescribe such rules and regulations, not inconsistent with law, as may be necessary to effectuate his powers and duties under this act;

(f) Prescribe minimum standards of service for libraries in the State of New Jersey as may be necessary to effectuate the State Librarian's powers under the law.

10. Section 6 of P.L.1983, c.486 (C.18A:73-33.1) is amended to read as follows:

C.18A:73-33.1 Annual report.

6. a. In addition to the duties prescribed in section 18 of P.L.1969, c.158 (C.18A:73-33), the State Librarian shall on or before October 31 of each year prepare an annual report on the activities of the library network for the preceding year. The report shall be transmitted to the President of Thomas Edison State College who, upon the approval of the report thereby, shall transmit it to the Governor, the Thomas Edison State College Board of Trustees and the Chairman of the State Government Committee, or successor committee, of each House of the Legislature. The report shall set forth a complete operating and financial statement covering the library network's operation during the preceding year.

b. (Deleted by amendment, P.L.2001, c.137).

11. Section 19 of P.L.1969, c.158 (C.18A:73-34) is amended to read as follows:

C.18A:73-34 Appointment of staff, compensation.

19. a. The President of Thomas Edison State College or the designee thereof shall, with the advice of the State Librarian, appoint all professional staff in the library, and fix the compensation of all such persons thus appointed. The President of Thomas Edison State College or the designee thereof shall appoint such other personnel as that person may consider necessary for the efficient performance of the work of the library and fix their compensation. All persons thus appointed shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

b. For all purposes, the employees of the State Library shall be considered employees of Thomas Edison State College.

c. Thomas Edison State College shall maintain, in a manner acceptable to the Department of Personnel, the personnel records of all employees and positions currently on staff and funded. All such records shall be subject to audit by the Department of Personnel.

d. The State shall be responsible for paying the entire employer contribution of the pension and benefits costs for the State Library employees whose salaries are funded from the direct State services portion of the annual appropriation for the State Library.

12. Section 20 of P.L.1969, c.158 (C.18A:73-35) is amended to read as follows:

C.18A:73-35 Duties of State Library.

20. The State Library shall:

(a) Maintain library resources and information services over a broad range of subjects which affect the educational, intellectual, cultural, economic and political life of the State;

(b) Provide special library services for the legislative, executive and judicial branches of State Government, supplemental library service for New Jersey libraries and citizens and direct library service for the handicapped;

(c) Purchase or otherwise acquire, and maintain a general collection of books, periodicals, newspapers, maps, slides, films and other library materials for the use of State and local governments, libraries, and the public generally; and exchange, discard, sell, or otherwise dispose of books and library materials as required within the purposes stated herein and all moneys to be secured from such sales shall be paid into the treasury to be used for the benefit of the State Library when appropriated to that purpose;

(d) Maintain as part of the State Library, a general reference service; a legislative reference service; a law library service; a documents depository service; an archival service for New Jersey materials; a records management service for State and local governments; a deposit and exchange service for library materials; an interlibrary loan service; an advisory service for public libraries, school libraries, libraries of institutions of higher education, industrial, commercial and other special libraries, State department and agency libraries, and the libraries the State maintains within the institutions carrying out its health, welfare and correctional programs; and a library service for the handicapped; and provide such other services as may be required by law;

(e) Preserve the records of the history of New Jersey through its official archives and other materials and promote interest and research in the history of the State;

(f) Coordinate a Statewide system of libraries in New Jersey, and administer State and federal programs for the development of libraries, library facilities, library resources and library services in New Jersey, and require such reports as are necessary for the proper administration of its duties and for the gathering and publishing of annual and occasional statistics on libraries in the State;

(g) Promote and demonstrate library service throughout the State, and study library problems and needs in New Jersey and make the resultant findings known generally.

13. Section 2 of P.L.1983, c.486 (C.18A:73-35b) is amended to read as follows:

C.18A:73-35b Findings, declarations concerning a Statewide library network.

2. The Legislature finds and declares that promoting cooperation among the various types of libraries in New Jersey will provide this State's residents with full and equal access to library materials and programs not currently available within their communities; that increased cooperation and access will help control the cost of maintaining local libraries, while providing for improved services; that establishing a library network can best be accomplished by assisting libraries to form cooperatives on a regional basis and by having the State Library promote, coordinate and fund such cooperative efforts, as well as provide and coordinate library services on a Statewide basis.

14. Section 3 of P.L.1983, c.486 (C.18A:73-35c) is amended to read as follows:

C.18A:73-35c Definitions relative to the library network.

3. As used in this act:

- a. "President" means the President of Thomas Edison State College or the designee thereof;
- b. "State Library" means the State's research library and depository for State and federal documents affiliated with Thomas Edison State College;
- c. "Library" means any library eligible for advisory service from the State Library as provided in subsection d. of section 20 of P.L.1969, c.158 (C.18A:73-35); any county audiovisual aids center established pursuant to N.J.S.18A:51-1 et seq.; and any educational information and resource center established pursuant to P.L.1983, c.486 (C.18A:73-35a et seq.);
- d. "Library region" means a geographic area designated by the State Librarian pursuant to this act within which libraries may establish a regional library cooperative;
- e. "Library network" means all libraries in all regional library cooperatives, the State Library, and any library providing services to other libraries; and
- f. "Regional library cooperative" means a membership organization of libraries within a library region which has agreed to provide and receive cooperative library services.

15. Section 4 of P.L.1983, c.486 (C.18A:73-35d) is amended to read as follows:

C.18A:73-35d Additional duties concerning the network.

4. In addition to the duties prescribed in section 20 of P.L.1969, c.158 (C.18A:73-35), the State Library shall establish, organize, supervise and fund the library network, as well as provide library services on a regional as well as a Statewide basis. To effectuate the purposes of this act, the State Library shall: a. establish library regions to encompass all of the State's territory; b. provide for the creation, structure, funding, and governance of a regional library cooperative for each library region; c. enter into contracts with any library or service-providing agency to provide cooperative library services to any members of the library network; d. determine the kinds of cooperative services to be provided and received by members of the network; and e. provide direct services to members of the network, on a regional as well as a Statewide basis.

16. Section 8 of P.L.1983, c.486 (C.18A:73-35f) is amended to read as follows:

C.18A:73-35f State funding restriction.

8. To provide an efficient and effective library network in accordance with objectives of this act, no regional library cooperative or any library with which the State Library contracts to provide cooperative services on a regional as well as a Statewide basis to the library network shall participate in any apportionment of State funds pursuant to this act unless it operates in compliance with the rules and regulations which have been, or may be, prescribed by law or promulgated by the State Librarian with the approval of the President of Thomas Edison State College.

17. Section 9 of P.L.1983, c.486 (C.18A:73-35g) is amended to read as follows:

C.18A:73-35g Budget estimates.

9. On or before November 15 in each year, the State Librarian, with the approval of the President, shall estimate the amount necessary to be appropriated to carry out the provisions of this act for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each regional library cooperative or library with which the State Library contracts to provide cooperative service to the library network for that year and the amount necessary for supplemental library services provided directly. The amount requested for direct services shall not exceed 20% of the total amount appropriated. The State Librarian shall make such determination for budget purposes upon the basis of appropriations for library network purposes made by the Legislature in the current calendar year.

On or before September 15 of each succeeding year, the State Librarian shall make a final determination of the payments to be made under this act.

18. Section 8 of P.L.1986, c.174 (C.18A:73-35g1) is amended to read as follows:

C.18A:73-35g1 Funding of library network.

8. Notwithstanding the provisions of any other law to the contrary, all funds previously appropriated to fund area libraries pursuant to N.J.S.18A:74-4 and research library centers pursuant to N.J.S.18A:74-5 are appropriated to the State Library, for the purpose of funding the library network.

In succeeding fiscal years the State Librarian shall make the budget determinations required by section 9 of P.L.1983, c.486 (C.18A:73-35g), based on previous appropriations for library network purposes, which shall include the transfer of area library and research library center appropriations made pursuant to this section.

19. Section 10 of P.L.1983, c.486 (C.18A:73-35h) is amended to read as follows:

C.18A:73-3h Payments.

10. The sums payable pursuant to this act shall be payable on October 1 following the final determination in each year. Payments shall be made by Thomas Edison State College. Payment shall be made to the receiving officer designated by each regional library cooperative, each library with which the division contracts to provide cooperative service to the library network and to the State library for the cost of providing direct Statewide library services to the library network.

20. Section 11 of P.L.1983, c.486 (C.18A:73-35i) is amended to read as follows:

C.18A:73-35i Rules, regulations.

11. The State Librarian may, with the approval of the President, promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), such rules and regulations as it deems necessary to effectuate the purposes of this act.

21. Section 12 of P.L.1983, c.486 (C.18A:73-35j) is amended to read as follows:

C.18A:73-35j Appropriations.

12. There shall be appropriated in the first fiscal year following the receipt by the Legislature of the first annual report and in each fiscal year thereafter following the receipt by the Legislature of each subsequent annual report required pursuant to section 6 of P.L.1983, c.486 (C.18A:73-33.1), such sums as may be necessary for the operations of the library network. If the sums appropriated at any time are insufficient to carry out in full the provisions of this act, the President, with the approval of the Thomas Edison State College Board of Trustees, shall allocate such sums on a pro rata basis. A sum not to exceed 1% of such total or supplemental appropriation for the purposes of this act may be allocated for the administrative cost thereof.

22. Section 1 of P.L.1980, c.149 (C.18A:73-35.1) is amended to read as follows:

C.18A:73-35.1 Purchases without advertisement for bids.

1. The State Librarian may, within the limits of funds appropriated or otherwise made available to the State Library, purchase the following without advertising for bids: library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature and necessary binding or rebinding of library materials.

23. Section 23 of P.L.1969, c.158 (C.18A:73-38) is amended to read as follows:

C.18A:73-38 Hours of operation of State Library.

23. The State Library shall be kept open during the normal working hours of State Government and at all times during which the Legislature and the courts of this State and of the United States which sit at Trenton are in session, and at such other times as the State Librarian, with the approval of the President of Thomas Edison State College, shall prescribe.

24. Section 24 of P.L.1969, c.158 (C.18A:73-39) is amended to read as follows:

C.18A:73-39 Application, acceptance of grants, funds.

24. The President of Thomas Edison State College may apply for and accept on behalf of the State of New Jersey and, through the State Library, administer for the State, any funds, books and library facilities applicable to public or school library purposes, granted or provided by the Federal Government, or any agency or officer thereof, under or pursuant to any Federal Law heretofore or hereafter enacted authorizing grants to the States for such purposes or for similar purposes.

25. Section 25 of P.L.1969, c.158 (C.18A:73-40) is amended to read as follows:

C.18A:73-40 Designation of agency to carry out purpose of law.

25. In the event that under or pursuant to any such Federal law it is required that a State agency be designated to carry out the purpose of such law, including the administration or suspension of administration of any plan or program pursuant thereto, Thomas Edison State College shall be the sole agency in this State for carrying out such purposes. The Governor is hereby authorized to make such designation, and Thomas Edison State College is hereby empowered to act as the sole agency in this State for carrying out such purposes.

26. Section 26 of P.L.1969, c.158 (C.18A:73-41) is amended to read as follows:

C.18A:73-41 Custody, use of federal funds.

26. Thomas Edison State College shall receive and provide for the proper custody of any funds granted by the Federal Government for such public or school library purposes, under or pursuant to any Federal law. All moneys so received shall be used exclusively for the purposes of any such law. Such moneys shall be expended in the same manner as any funds of the State are expended, upon vouchers certified or approved by the President of Thomas Edison State College or the duly authorized representative thereof, as provided by law.

Thomas Edison State College shall submit to the State Treasurer copies of any final financial status reports submitted to the federal government for grants or other funds received by the college.

27. Section 1 of P.L.1985, c.297 (C.18A:74-3.2) is amended to read as follows:

C.18A:74-3.2 Distribution of State aid.

1. Thomas Edison State College shall annually, within the limitations of amounts appropriated by the Legislature, distribute funds pursuant to rules and regulations adopted

according to N.J.S.18A:74-1 et seq. upon certification of the State Library;

a. To any municipality which receives State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) and supports, in whole or in part, a municipal library which maintains one or more branch libraries, to assist solely in maintaining, operating and improving those branch libraries to meet community needs;

b. To any county or municipality which supports, in whole or in part, library services from county or municipal tax revenues to evaluate and develop the collections of any library receiving such funds; and

c. To any library in the State which houses and maintains a collection of historical or special interest, to be used to house, protect, preserve, repair, restore and maintain the collection.

Funds allocated pursuant to this section shall be distributed as grants to qualifying applicants, based on competitive criteria and a selection process established by the State Library. No rule or regulation shall be adopted nor any application approved nor grant made under this section which creates or implies, by its nature or purpose, a continuing assistance grant or entitlement of indefinite length.

28. Section 2 of P.L.1985, c.297 (C.18A:74-3.3) is amended to read as follows:

C.18A:74-3.3 Distribution of funds for audiovisual services.

2. Thomas Edison State College, after consultation with the State Librarian, shall annually, within the limitations of amounts appropriated by the Legislature, distribute funds pursuant to rules and regulations adopted according to N.J.S.18A:74-1 et seq., for audiovisual public library services.

29. Section 3 of P.L.1985, c.297 (C.18A:74-3.4) is amended to read as follows:

C.18A:74-3.4 Services for institutionalized persons.

3. Thomas Edison State College, after consultation with the State Librarian, shall annually, within the limitations of amounts appropriated by the Legislature, distribute funds pursuant to rules and regulations adopted according to N.J.S.18A:74-1 et seq., for library services to persons institutionalized in health, mental health, mental retardation, veterans', residential, correctional and other similar facilities which are operated by or under contract to the State or to county or municipal governments.

30. Section 1 of P.L.1981, c.225 (C.18A:74-4.1) is amended to read as follows:

C.18A:74-4.1 Provision of optical scanners.

1. The Thomas Edison State College, after consultation with the State Librarian, and after consultation with the Commission for the Blind and Visually Impaired, shall purchase and provide to designated area libraries or other public facilities accessible to the blind or visually impaired that may be appropriate an optical scanner, which converts printed materials into synthetic speech for the benefit of the blind and visually impaired. The President of Thomas Edison State College shall provide for the training of personnel in the proper use of these devices.

31. N.J.S.18A:74-6 is amended to read as follows:

Emergency aid; incentive grant.

18A:74-6. There shall be appropriated annually the sum of \$200,000.00 to be distributed by Thomas Edison State College and in accordance with its rules and regulations to meet unforeseeable conditions in any municipality or county, and to encourage the formation and development of larger units of service pursuant to law. The amount of such emergency aid or incentive grant shall be payable by the President of Thomas Edison State College upon certification by the State Librarian.

32. N.J.S.18A:74-7 is amended to read as follows:

Determination of appropriation.

18A:74-7. On or before November 15 in each year, the State Library shall estimate the amount necessary to be appropriated to carry out the provisions of this chapter for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each of the counties and municipalities under this chapter for such succeeding year. The State Library shall make such determination for budget purposes upon the basis of the annual appropriations for library purposes for the current calendar year.

On or before September 15 of each succeeding year, the State Library shall make the final determination of the payments to be made under this chapter upon the basis of the annual expenditures for library purposes for the preceding calendar year.

33. N.J.S.18A:74-8 is amended to read as follows:

Payment of State aid; date, method.

18A:74-8. The sums payable as State aid, as finally determined by the State Library shall be payable on October 1 following the final determination in each such year. Payments shall be made by the state treasurer upon certificate of the President of Thomas Edison State College, the State Librarian, and warrant of the director of the division of budget and accounting. Payment shall be made to the governing body of each municipality qualifying for aid under this chapter and to the treasurer of each county which supports a regional or county library system, and to the receiving officer designated by each research library center.

34. N.J.S.18A:74-10 is amended to read as follows:

Compliance with regulations, standards.

18A:74-10. In order to participate in any apportionment made according to the provisions of this chapter, municipalities and counties shall comply with the regulations and standards which have been, or which may be, prescribed by law or recommended by the advisory council of the State Library for the operation and improvement of free public libraries to provide efficient and effective library services, to insure public benefit and convenience therefrom and to achieve the objects of this chapter.

35. N.J.S.18A:74-12 is amended to read as follows:

Enforcement of law and regulations.

18A:74-12. The Department of the Treasury, at the request of the State Librarian, is hereby empowered to withhold any form of State Library aid from any municipality, county, or area library which does not comply with the provisions of chapters 33 and 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of 1947 (C.45:8A-1 et seq.) wherever applicable, or with any rules and regulations duly adopted pursuant to said statutes or this chapter, or which reduces its annual expenditures for library services pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes below the average of those expenditures for normal, recurring, operating costs made during the three years previous to receipt of the first State aid under this chapter.

36. N.J.S.18A:74-13 is amended to read as follows:

Appropriations, allocation.

18A:74-13. There is hereby appropriated for the purposes of this chapter such sums as may be included therefor in any annual or supplemental appropriation. In the event the sums appropriated at any time are insufficient to carry out in full the provisions of this chapter, the State Library shall allocate such sums on the basis of the method of allocation described in this chapter to the extent deemed advisable and practicable. A sum not to exceed 1% of such total annual or supplemental appropriation for the purposes of this chapter may be allocated to

Thomas Edison State College for the administrative costs thereof.

37. Section 3 of P.L.1973, c.381 (C.18A:74-16) is amended to read as follows:

C.18A:74-16 Definitions relative to library construction.

3. For the purposes of this act unless the context clearly indicates otherwise:

a. "Act" means the "New Jersey Library Construction Incentive Act."

b. "Area" means all or part of one or more political subdivisions of the State of New Jersey.

c. "Project," "construction project," "rehabilitation project," "expansion" or "acquisition," means a project which is eligible for a grant under regulations and standards promulgated under this act. When used alone, "project" means any construction, expansion, or rehabilitation project or acquisition.

d. "Public library" means a library that serves free of charges all residents of an area without discrimination and receives its financial support, in whole or in part, from public funds. "Public library" does not include any special-purpose library, such as a law, medical, school or academic library, which are organized to serve a special clientele or purpose.

e. "Authorized applicant" means a public library as defined in paragraph d. hereof.

f. "Eligible project costs" means costs incurred in a project approved by the President of Thomas Edison State College, a portion of which may be reimbursed.

g. "President" means the President of Thomas Edison State College.

h. "Fiscal year" means the period between July 1 of any calendar year and June 30 of the next succeeding calendar year.

38. Section 4 of P.L.1973, c.381 (C.18A:74-17) is amended to read as follows:

C.18A:74-17 Administration of act.

4. The administration of this act shall be governed by rules and regulations, recommended by the Advisory Council of the State Library, and promulgated by the State Librarian with the approval of the State Board of Education] President of Thomas Edison State College.

39. Section 5 of P.L.1973, c.381 (C.18A:74-18) is amended to read as follows:

C.18A:74-18 Participation in grants.

5. In order to participate in any grant made according to the provisions of this act, the applicant shall comply with the rules and regulations adopted as provided in section 4 of this act. Application for grants under this act shall be made to the President on forms specified in said rules and regulations. Applications shall be approved by the President in accordance with said rules and regulations. The President is hereby empowered to withhold any grants from any public library which does not comply with said rules and regulations.

40. Section 6 of P.L.1973, c.381 (C.18A:74-19) is amended to read as follows:

C.18A:74-19 Reimbursement for project costs.

6. The President shall reimburse each authorized applicant whose application has been approved for a portion of its eligible project costs, determined in accordance with the rules and regulations promulgated pursuant to this act.

41. Section 7 of P.L.1973, c.381 (C.18A:74-20) is amended to read as follows:

C.18A:74-20 Project costs eligible for grants.

7. The following project costs shall be eligible for grants, at the discretion of the President, when incurred after the date of project approval, or after such date as is indicated in paragraphs 3 and 5 of this section:

a. Construction of new buildings to be used for public library purposes.

b. Expansion, rehabilitation or acquisition of existing buildings to be used for public library

purposes.

c. Expenses (other than interest and the carrying charge on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library purposes which are incurred within the three fiscal years preceding the fiscal year in which the project is approved by the President, provided such expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions.

d. Site grading and improvement of land on which buildings used for public library purposes are located or are to be located.

e. Architectural, engineering, consulting and inspection services related to the specific project for which application for financial assistance is made, provided the costs of such services are incurred within three fiscal years preceding the year in which the project is approved by the President.

f. Expenses (other than interest and the carrying charges on bonds) related to the acquisition of existing buildings to be used for public library purposes, provided such expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions.

g. Expenses relating to the acquisition and installation of initial equipment to be located in public library facilities, provided by a construction project, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, card catalogs, cabinets, circulation desks, reading tables, study carrels, booklifts, elevators and information retrieval devices (but not books or other library materials).

42. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to read as follows:

C.18A:74-21 Projects to be accessible, usable by handicapped persons.

8. The President shall require that projects constructed with the use of State funds under this act shall, to the extent appropriate be accessible to and usable by handicapped persons.

43. Section 9 of P.L.1973, c.381 (C.18A:74-22) is amended to read as follows:

C.18A:74-22 Credit to State for unused facilities, equipment, land.

9. Whenever public library facilities, items of equipment or land to which the State has contributed funds under this act are not used for the purposes authorized by the act, the President may require that the State be credited with its proportionate share of the fair market value of such facilities, equipment, or land. All moneys so credited shall be remitted to the Treasurer of the State of New Jersey. In no event, however, may the President require that the State be so credited when such facilities, equipment or land have been used in excess of 20 years for the purposes authorized by this act.

44. Section 4 of P.L.1956, c.108 (C.40:9A-4) is amended to read as follows:

C.40:9A-4 Standards for libraries.

4. The State Librarian, subject to the approval of the President of Thomas Edison State College, shall formulate and promulgate standards for the said federations of libraries to insure the public convenience in the use of such library services.

45. R.S.40:33-6 is amended to read as follows:

Establishment, maintenance of libraries.

40:33-6. Upon the adoption of the provisions of this article the board of chosen freeholders may contract with an existing library, or library board, within the county or the library commission of a county library already established and furnishing county library services in another county, for the establishment and maintenance of the county free library in accordance with the provisions of this article and subject to the rules and regulations of the board of chosen

freeholders. No independently operated county library shall be established hereafter in any county unless a plan for the financing of the same, indicating the amount annually to be assessed, levied and collected in taxes for the establishment and thereafter for the maintenance, thereof, shall be submitted to, and shall be approved as sufficient by, the head of the Library Development Bureau in the State Library.

46. R.S.40:33-8 is amended to read as follows:

County library commission.

40:33-8. The county library commission shall organize by the election of a chairman, and shall adopt rules and regulations for the establishment and maintenance of the county library. It shall employ a librarian, if any, as may be required, who shall hold appropriate certificates issued by the State Board of Examiners and such other employees as it shall deem necessary for the performance of its functions. It may purchase such supplies and equipment and incur such expenses as it may deem necessary to carry out the provisions of this article, but shall not incur expenses or make purchases in any fiscal year from public funds in excess of the appropriation for county library purposes for that year. In addition to its other powers, it may accept gifts, devises, legacies and bequests of property, real and personal, and hold and use the property and income of the same in any manner, which is lawful and consistent with the purpose for which the commission is created, and with the provisions of the conveyance, will or other instrument in or under which such gift, devise, legacy or bequest is made and may dispose of the same subject to the same conditions. It shall make an annual report to the financial officer of the county which shall include a statement setting forth in detail all county appropriations made to the library, other public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. The report shall also include an analysis of the state and condition of the library and shall be sent to the county, governing body and to the State Library. The State Librarian, with the approval of the President of Thomas Edison State College, shall prescribe by regulation the form of all such reports.

47. Section 6 of P.L.1981, c.489 (C.40:33-13.2i) is amended to read as follows:

C.40:33-13.2i "Branch Development Option."

6. The option for reorganization of the county library system provided in this section shall be known as the "Branch Development Option" and shall govern the county library system of any county whose voters have adopted it pursuant to section 5 of this act.

a. The county library commission shall establish a branch of the county library in each municipality: (1) which is a member of the county library system upon the effective date of the reorganization of the system; and (2) in which the municipal governing body adopts a resolution approving the establishment of a branch library. The county library commission may establish a joint branch library for two or more adjacent municipalities upon its determination that the library needs of such municipalities could best be served by a joint branch library, and upon the adoption by the governing bodies of all municipalities to be served thereby of joint resolutions, approving the establishment thereof. A branch library or a joint branch library established pursuant to this act shall conform to all standards promulgated by the State Library for branch libraries.

b. The county library commission shall assure that all branch or joint branch libraries agreed upon pursuant to subsection a. of this section are operating within three calendar years of the effective date of the reorganization of the county library system.

c. Any municipality which has agreed to the establishment of a branch library or joint branch library of the county library shall remain a member of the county library system for at least five years following the effective date of the reorganization of the county library system.

d. Any municipality which is a member of the county library system and whose governing body does not approve the establishment of a branch library or a joint branch library shall remain a member of the county library system until such time as it elects to withdraw from the system in the manner provided in chapter 33 of Title 40 of the Revised Statutes. The governing body

of such a municipality may, by resolution, request that the county library establish a branch library or a joint branch library at any time following the effective date of the reorganization of the county library system, in the manner provided in subsection a.

48. Section 7 of P.L.1981, c.489 (C.40:33-13.2j) is amended to read as follows:

C.40:33-13.2j "Service Contract Option."

7. The option for reorganization of the county library system provided in this section shall be known as the "Service Contract Option" and shall govern the county library system of any county whose voters have adopted it pursuant to section 5 of this act.

a. The county library commission shall offer a contract to any of the municipalities identified by the county library study commission in its report to provide such municipalities with sufficient staff and materials to insure compliance with standards promulgated by the State Librarian, with the approval of the President of Thomas Edison State College, for library service in those municipalities. Municipalities shall accept or reject such contracts by resolution of the governing body.

Any municipality which accepts a contract shall determine an appropriate geographic location within the municipality for the staff and materials provided by the county library.

b. Any municipality which rejects a contract pursuant to this section and is a member of the county library system shall remain a member of the system until such time as it elects to withdraw from the system in the manner provided in chapter 33 of Title 40 of the Revised Statutes.

49. Section 8 of P.L.1981, c.489 (C.40:33-13.2k) is amended to read as follows:

C.40:33-13.2k "Tax Base Sharing Option."

8. The option for reorganization of the county library system provided in this section shall be known as the "Tax Base Sharing Option," and shall be available only to any county in which revenues from the dedicated county library tax established pursuant to R.S.40:33-9 or P.L.1977, c.300 (C.40:33-15 et seq.) have been derived from less than 75% of the total assessed property of the county in the calendar year prior to the establishment of the county library study commission. This option shall govern the county library system of any qualified county whose voters have adopted it pursuant to section 5 of this act.

a. The governing body of the county shall annually determine a sum sufficient to distribute among certain municipalities and the county according to the following formula:

$A = CBS + CRS + LRS$ where: A is the total tax pool to be distributed; CBS is the county base share and is determined as $.0000666 \times$ the apportionment valuation of the county; CRS is the county residual share and is determined as $(A - CBS) \times .60$; and LRS is the local residual share and is determined as $(A - CBS) \times .40$.

The county base share (CBS) shall be appropriated to the county library which shall receive no funds from the library tax provided for in R.S.40:33-9 or from the library tax established in P.L.1977, c.300 (C.40:33-15 et seq.). The local residual share (LRS) shall be distributed among those municipalities not members of the county library system on January 1, 1982. Each such municipality shall be apportioned an amount of those revenues in a proportion equal to the proportion which that municipality's apportionment valuation is of the apportionment valuation of all such municipalities. Any municipality receiving revenues from the tax base sharing option provided in this section shall appropriate those funds directly to the board of trustees of any library within its borders funded by the municipality in the calendar year prior to the reorganization of the county library system.

b. For each year following the reorganization of the county library system, the county library distribution (CBS + CRS) from the formula established in subsection a. of this section shall not be less than the appropriation made to the county library in the calendar year immediately prior to the reorganization of the county library system; provided, however, that in the first calendar year following the reorganization of the county library system, the county library shall receive an appropriation not less than an amount equal to the appropriation made to the county library

in the calendar year preceding the reorganization of the system and not more than an amount equal to the prior year's appropriation plus 10% of that appropriation.

In each year following the reorganization of the county library system, the governing body of any municipality not a member of the county library system shall appropriate to any library in the municipality which was funded by the municipality prior to the reorganization of the county library system a sum of money not less than the average appropriation made to such libraries in the three years occurring immediately prior to the reorganization of the county library system. The governing body shall also provide any in-kind benefits or the cash equivalent thereof, which were provided to such libraries during that preceding period.

c. The county library shall receive State aid as provided in the "State Library Aid Law" (N.J.S.18A:74-1 et seq.) based on expenditures from the total appropriation from the tax base sharing option made to the county library and the total resident population of the county. Any library located within a municipality not a member of the county library system shall receive State aid as provided in the "State Library Aid Law" based on expenditures from the total appropriation made to the library from the municipality and from the portion of the local residual share received by the municipality as provided in subsection a. of this section. Any municipality which is a member of the county library system and which supports a library shall receive State aid as provided in the "State Library Aid Law" based on the total appropriation made by the municipality for library purposes.

d. The county library shall make all of its patron services available to all residents of the county. For the purpose of this act "patron services" means services rendered by a library directly to patrons as distinguished from those services rendered to other libraries. Patron services shall include circulation of library materials, reference assistance, and public programs.

e. A municipality which maintains a municipal public library within the county shall not dissolve its municipal public library for a period of two calendar years from the effective date of the reorganization of the county library system.

f. The county library commission may offer a service contract for library services to any municipality within the county for any library services performed by the county library. Any such contracts shall conform to the contracts established in section 7 of this act.

g. The county library study commission shall remain in existence for one calendar year after the effective date of such reorganization. It shall be the responsibility of the commission to evaluate the tax base sharing option and to determine if the appropriation for the county library system is sufficient to provide patron services to all residents of the county and that such services are in compliance with standards promulgated by the State Library for such libraries. The commission shall make a report of its findings to the county governing body within one calendar year of the reorganization of the county library system.

50. Section 11 of P.L.1981, c.489 (C.40:33-13.2n) is amended to read as follows:

C.40:33-13.2n Rules, regulations.

11. The State Librarian, with the approval of the President of Thomas Edison State College is authorized to promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as it deems necessary to effectuate the purposes of this act.

51. Section 3 of P.L.1962, c.134 (C.40:33-13.5) is amended to read as follows:

C.40:33-13.5 Amendment of regional library agreement; filing copy.

3. The regional library agreement may, from time to time, be amended or supplemented by the adoption of similar resolutions by all the boards of chosen freeholders of the participating counties. A copy of the original regional library agreement, of any amendments or supplements thereto and of the resolutions approving such agreement, amendments or supplements shall be filed with the State Librarian and with the Director of the Division of Local Government.

52. Section 12 of P.L.1962, c.134 (C.40:33-13.14) is amended to read as follows:

C.40:33-13.14 Agreements with municipalities not served by regional library.

12. The board of trustees may enter into agreements with the governing body of any municipality which is not then served by the regional library to increase or improve the library services available to the residents of said municipality or to the residents of the municipalities then served by the regional library. Any such agreement shall specify the services to be rendered by the regional library and by the municipality and the amount and nature of payment of any consideration for such services. Any municipality may enter into such agreements with the board of trustees for periods of not more than five years and may renew such agreements for like periods.

No such agreement shall be concluded (a) without the approval of the boards of chosen freeholders of the counties participating in the regional library and, (b) in the event that the municipality maintains a municipal public library, without the approval of the board of trustees of such library. Such agreement may be amended and supplemented, from time to time, and a copy of such agreement, amendments and supplements, together with resolutions of the board of trustees approving such agreement, amendments and supplements, shall be filed with the State Librarian and with the Director of the Division of Local Government.

53. Section 5 of P.L.1985, c.541 (C.40:54-8.1) is amended to read as follows:

C.40:54-8.1 Limitation on increase in amount raised by taxation.

5. Any increase in the amount raised by taxation for the municipal library as required by R.S.40:54-8 shall not exceed the total amount expended by the municipality in the previous year plus 15% of the previous year's total expenditures for the maintenance of a free public library; except that the State Librarian is authorized to approve additional appropriations to any municipality that requests to appropriate an amount in excess of 15% of the previous year's total library expenditures.

54. R.S.40:54-12 is amended to read as follows:

Powers of board.

40:54-12. The board shall hold in trust and manage all property of the library. It may rent rooms, or, when proper, construct buildings for the use of the library, purchase books, pamphlets, documents, papers and other reading matter, hire librarians, and other necessary personnel, and fix their compensation, make proper rules and regulations for the government of the library, and generally do all things necessary and proper for the establishment and maintenance of the free public library in the municipality. The board may also transfer to and receive from other libraries books, magazines, prints, maps and other related library materials for the purpose of augmenting the interlibrary loan service.

55. R.S.40:54-15 is amended to read as follows:

Annual report.

40:54-15. The board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. The annual report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body and to the State Library. The State Librarian shall prescribe by regulation the form of all such reports.

56. Section 3 of P.L.1959, c.155 (C.40:54-29.5) is amended to read as follows:

C.40:54-29.5 Joint library agreement, filing.

3. After the introduction of an ordinance approving such joint library agreement, which may be incorporated by reference therein, such agreement shall be and remain on file for public

inspection in the municipal clerk's office from the time of introduction of such ordinance and such ordinance shall so state. A copy of such ordinance and of the joint library agreement shall be filed with the State Librarian and the Director of the Division of Local Government. Subsequent amendments and supplements to such ordinance and agreement shall be filed in like manner.

57. Section 21 of P.L.1959, c.155 (C.40:54-29.23) is amended to read as follows:

C.40:54-29.23 Discontinuance.

21. When such discontinuance has been agreed upon or determined and if the governing body of the municipality proposing such discontinuance shall determine to proceed therewith,

(a) such governing body shall introduce an ordinance authorizing and directing the submission to the legal voters the question whether said municipality shall discontinue participation in the joint library pursuant to said agreement or determination, which agreement or determination may be incorporated by reference in said ordinance provided said agreement or determination shall be and remain on file in the office of the municipal clerk for public inspection;

(b) if said ordinance shall be adopted, a copy thereof and of said agreement or determination shall be filed with the Director of the Division of Local Government and the State Librarian; and

(c) the question of such discontinuance shall be submitted to the legal voters of such municipality at the next general election to be held therein not less than 40 days after the adoption of said ordinance, and said agreement or determination shall remain on file in the office of the municipal clerk for public inspection pending such election.

C.18A:73-42.1 Rules for administration of State Library.

58. Unless provided for elsewhere to the contrary, the State Library, with the approval of the President of Thomas Edison State College, may promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules as the State Librarian deems necessary for the administration of the State Library.

C.18A:73-38.1 Certain buildings to remain State property, use of property.

59. The State Library building located at 185 East State Street in Trenton, Mercer County, and the State Library for the Blind and Handicapped, located at 2300 Stuyvesant Avenue in Trenton, Mercer County, shall remain the property of the State of New Jersey. Each building shall be maintained by the Department of the Treasury and be entitled to all of the services provided to other State buildings in the Capitol Complex. Any additional costs incurred by the State Library for services at those buildings shall be paid by Thomas Edison State College from the direct State services portion of the annual appropriation for the State Library. The contents of the buildings, including but not limited to the furniture, equipment, State Library collection and library materials, shall be the property of the State of New Jersey, but shall be available to Thomas Edison State College for the use of the State Library and the employees thereof.

C.18A:73-43.4 Disbursement of funds appropriated for State Library to Thomas Edison State College.

60. a. The State Treasurer shall disburse to Thomas Edison State College the amount of funds appropriated in the direct State services portion of the annual appropriation for the State Library. The funds shall be paid to the college in four equal installments beginning on July 1 of each year. Thomas Edison State College shall deposit all such funds into separate accounts to be used solely for State Library purposes.

b. The State Treasurer shall disburse to Thomas Edison State College the amount of funds appropriated in the State aid portion of the annual appropriation for the State Library. The funds shall be paid to the college on a drawdown schedule to be prepared by Thomas Edison State College and approved by the Office of Management and Budget. Thomas Edison State College shall deposit all such funds into separate accounts to be used solely for State Library purposes.

c. Each year, Thomas Edison State College shall prepare and submit to the Office of

Management and Budget in the Department of the Treasury a proposed budget for the operation of the State Library during the following fiscal year at the same time that Thomas Edison State College prepares and submits to the Secretary of State for submission to Office of Management and Budget a proposed budget for the operation of the college during the following fiscal year.

d. Funds disbursed to Thomas Edison State College for the operations of the State Library, although maintained in separated accounts, shall be considered college funds for all purposes related to purchasing, including for the purposes of the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

e. Thomas Edison State College is authorized to accept donations on behalf of the State Library and those donated funds shall be maintained in separate accounts to be used solely for State Library purposes.

f. Thomas Edison State College shall be entitled to use, solely for State Library purposes, the interest income from any public or private fund established to support the programs and services of the State Library to the extent permitted by law and the terms of the fund.

g. Thomas Edison State College shall conduct an independent financial audit of the State Library accounts each year, including accounts that receive federal funds, and shall submit copies of the same to the Department of the Treasury, with the cost of such audits funded from the direct State services portion of the annual appropriation for the State Library.

h. Thomas Edison State College shall be responsible for the maintenance of all financial records that involve the operations of the State Library, including those records that relate to federal funds.

61. All transfers directed by this act, except as otherwise provided herein, shall be made in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

Repealer.

62. Sections 14 and 27 of P.L.1969, c.158 (C.18A:73-29 and 18A:73-42) are repealed.

63. This act shall take effect immediately.

Approved July 2, 2001.

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TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Rae Hutton
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RELEASE: July 2 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation today:

A-126, sponsored by Senator Anthony Bucco (R-Morris) and Assemblymen Richard Merkt (R-Morris) and Chris Connors (R-Atlantic/Burlington/Ocean), permits counties and municipalities, by resolution, to establish permanent snow removal funds so that unused monies budgeted annually for snow and ice removal during low-demand years may be "banked" by those local units for use in budget years when weather conditions are more serious.

A-2442, sponsored by Senators Joseph Kyrillos (R-Middlesex/Monmouth) and Louis Kosco (R-Bergen) and Assemblyman Samuel Thompson (R-Middlesex/ Monmouth), This bill would permit municipalities to distribute funds from one-time revenues, such as the sale of municipal property, as a credit against property taxes owed for that local budget year. A direct distribution to real property taxpayers, as permitted under this bill, would help to avoid potentially misleading changes to the real property tax rate caused by one-time revenues.

Landlords of multifamily dwellings would be required to "pass-through" to tenants any savings in property taxes realized under the bill's provisions as if the credit against taxes were a property tax reduction under the Tenants' Property Tax Rebate Act.

A-2146, sponsored by Senators Robert Singer (R-Burlington/Monmouth/ Ocean) and Gerald Cardinale (R-Bergen) and Assembly members Clare Farragher (R-Monmouth) and Kip Bateman (R-Morris/Somerset), provides that the transfer of structured settlement payment rights is not effective and the structured settlement obligor and annuity issuer are not obligated to pay a factoring company unless a court or responsible administrative authority approves the transfer.

S-2113, sponsored by Senators Peter Inverso (R-Mercer/Middlesex) and Wayne Bryant (D-Camden/Gloucester) and Assemblyman Leonard Lance (R-Warren/Hunterdon/ Mercer), transfers administrative control of the State Library to Thomas Edison State College. While all administrative control will be transferred to the college the library will remain in, not of, the State Department. The State Library building and the State Library for the Blind and Handicapped will remain the property of the State of New Jersey.