

40:54-8

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40: 54-8 et al

(County &
Municipal
libraries--
reporting
requirements)

LAWS OF: 1985

CHAPTER: 541

Bill No: S1037

Sponsor(s): Feldman and others

Date Introduced: Pre-filed

Committee: Assembly: County Government and Regional Authorities

Senate: County and Municipal Government

Amended during passage: Yes

Date of Passage: Assembly: January 6, 1986

Senate: June 27, 1985

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: ~~Yes~~ No

Hearings: No

DEPOSITORY COPY
Branch: Regional Municipal Libraries

CHAPTER 541 LAWS OF N. J. 1985
APPROVED 1-21-86

[OFFICIAL COPY REPRINT]
SENATE, No. 1037

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators FELDMAN, HURLEY, LIPMAN, WEISS, HAGEDORN, FORAN and CAUFIELD

AN Act concerning county and municipal libraries, amending R. S. 40:54-8, R. S. 40:54-15, R. S. 40:33-7, and R. S. 40:33-8, and supplementing chapter 33 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 40:54-8 is amended to read as follows:

2 40:54-8. The governing body or appropriate board of every
3 municipality governed by this article shall annually appropriate
4 and raise by taxation a sum equal to one-third of a mill on every
5 dollar of assessable property within such municipality***[**, provided,
6 however, that no municipality which has implemented a revaluation
7 of real property pursuant to Title 54 of the Revised Statutes after
7A January 1, 1982 shall be required to exceed the amount it expended
7B pursuant to this section in the year before that implementation by
7C more than 10% annually for the first five years following the re-
7D valuation**]** ** based on the equalized valuation of such property as*
7E *certified by the Director of the Division of Taxation in the Depart-*
7F *ment of the Treasury.*

8 Such additional sum, as in the judgment of such body or board
9 is necessary for the proper maintenance of a free public library,
10 may be appropriated and raised by taxation, annually.

1 2. R. S. 40:54-15 is amended to read as follows:

2 40:54-15. The board of trustees shall **[**annually make a report
3 of its transactions, accounts, and the state and condition of the
4 library to the governing body of the municipality**]** *make an annual*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted November 18, 1985.

5 report to the chief financial officer of the municipality which shall
 6 include a statement setting forth in detail all public revenues re-
 7 ceived by the library, all State aid received by the library, all ex-
 8 penditures made by the library and the balance of funds available.
 9 The annual report shall also include an analysis of the state and
 10 condition of the library and shall be sent to the municipal govern-
 11 ing body and to the Division of State Library, Archives and History
 12 in the Department of Education. The division shall prescribe by
 13 regulation the form of all such reports.

1 3. R. S. 40:33-7 is amended to read as follows:

2 40:33-7. a. Should the governing body not enter into the contract
 3 provided for in [section] R. S. 40:33-6 [of this Title], it shall
 4 within 60 days after this article becomes operative, appoint a com-
 5 mission to be known as "the county library commission." The
 6 commission shall consist of five members *except as provided below*.
 7 On the first commission one member shall be appointed for one
 8 year; one for two years; one for three years; one for four years
 9 and one for five years, and thereafter all appointments shall be
 10 for terms of five years, except in the case of appointments to fill
 11 vacancies occurring other than by expiration of term, which
 12 vacancies shall be filled in the same manner as appointments are
 13 made, but for the unexpired terms only. The county library com-
 14 mission shall serve without compensation.

15 b. [In addition to the members appointed pursuant to subsec-
 16 tion a. above, the governing body may appoint two additional
 17 members for terms of four and five years respectively. Thereafter
 18 all future appointments shall be for terms of five years, except for
 19 vacancies which shall be filled for the unexpired terms only.] *The*
 20 *governing body of any county that has a county library commission*
 21 *with fewer than three members who are residents of municipalities*
 22 *supporting the county library system shall increase the size of its*
 23 *commission to seven members. Additional members shall be resi-*
 24 *dents of municipalities that support the county library system,*
 25 *serve for terms of five years and have the same powers and duties*
 26 *as other members of the commission. Within five years of the*
 27 *effective date of this act each county library shall have a majority*
 28 *of members who are residents of municipalities which support the*
 29 *county library system.*

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

2 40:33-8. The county library commission shall organize by the
 3 election of a chairman, and shall adopt rules and regulations for
 4 the establishment and maintenance of the county library. It shall
 5 employ a librarian, if any, as may be required, who shall hold

6 appropriate certificates issued by the State Board of Examiners
 7 and such other employees as it shall deem necessary for the per-
 8 formance of its functions. It may purchase such supplies and
 9 equipment and incur such expenses as it may deem necessary to
 10 carry out the provisions of this article, but shall not incur expenses
 11 or make purchases in any fiscal year from public funds in excess
 12 of the appropriation for county library purposes for that year. In
 13 addition to its other powers, it may accept gifts, devises, legacies
 14 and bequests of property, real and personal, and hold and use the
 15 property and income of the same in any manner, which is lawful
 16 and consistent with the purpose for which the commission is cre-
 17 ated, and with the provisions of the conveyance, will or other in-
 18 strument in or under which such gift, devise, legacy or bequest is
 19 made and may dispose of the same subject to the same conditions.
 20 It shall make an annual report to the [county board of freeholders]
 21 *financial officer of the county which shall include a statement set-*
 22 *ting forth in detail all county appropriations made to the library,*
 23 *other public revenues received by the library, all State aid received*
 24 *by the library, all expenditures made by the library and the balance*
 25 *of funds available. The report shall also include an analysis of the*
 26 *state and condition of the library and shall be sent to the county,*
 27 *governing body and to the Division of State Library, Archives and*
 28 *History in the Department of Education. The division shall pre-*
 29 *scribe by regulation the form of all such reports.*

1 5. (New section) Any increase in the amount raised by taxation
 2 for the municipal library as required by R. S. 40:54-8 shall not
 3 exceed the total amount expended by the municipality in the pre-
 4 vious year plus 15% of the previous year's total expenditures for
 5 the maintenance of a free public library; except that the director
 6 of the Division of State Library, Archives and History in the
 7 Department of Education is authorized to approve additional ap-
 8 propriations to any municipality that requests to appropriate an
 9 amount in excess of 15% of the previous year's total library
 10 expenditures.

1 6. (New section) Any municipality which is a member of a
 2 county library system ***[pursuant to section 1 of P. L. 1951, c. 101**
 3 **(C. 40 :33-13.1) or P. L. 1963, c. 46 (C. 40:33-5.1)]*** **not exempted*
 4 *as provided hereafter,** may withdraw from that system by
 5 resolution of the governing body adopted after a public hearing
 6 held thereon. Within 30 days of the adoption of such resolution, the
 7 municipal governing body shall provide the county governing body
 8 with notice of its intent to withdraw from the county library system.
 9 Such notice shall not become effective until January 1 of the year

10 following the year in which the notice was given and shall provide
 11 that the municipality remain a member of the county library system
 12 for two years after the effective date of the notice.

13 Any municipality which withdraws from the county library
 14 system and which fails to comply with the provisions of this section
 15 shall be required to provide the county library with financial sup-
 16 port in the manner provided in chapter 33 of Title 40 of the Revised
 17 Statutes for a period of two years from the year of the munici-
 18 pality's withdrawal from the system.

19 This section shall not apply to any county library system re-
 20 organized under the provisions of P. L. 1977, c. 300 (C. 40:33-15
 21 et seq.) *or P. L. 1963, c. 46 (C. 40:33-5.1 et seq.)*.

1 7. (New section) Any municipality which is a member of a county
 2 library system pursuant to R. S. 40:33-1 on the effective date of
 3 this amendatory and supplementary act shall continue as a member
 4 of the county library system unless the governing body of the
 5 municipality determines by resolution to propose withdrawing
 6 from that system.

7 Following the adoption of that resolution and after a public
 8 hearing held thereon the governing body shall cause the question
 9 of withdrawal from the county library system to be submitted to
 10 the legal voters of the municipality at an election to be held in the
 11 manner provided for the establishment of free public libraries
 12 pursuant to R. S. 40:54-1 et seq.

13 The question shall be submitted in the following form:

14 "If in favor of the public question printed below mark a cross
 15 (X) or plus (+) in the square at the left of the word YES, and if
 16 opposed to the public question printed below mark a cross (X) or
 17 plus (+) at the left of the word NO.

	Yes.	"Shall (name of municipality) withdraw from the county library system pursuant to P. L., c., (C.) (Now pending before the Legislature as Senate Bill No. 1037 of 1984) and establish a free public library *pursuant to the provisions of chapter 54 of Title 40 of the Revised Statutes*?"
	No.	

18 If a majority of the voters approve the withdrawal from the
 19 county library system, the municipal governing body shall provide
 20 the county governing body with notice of its intent to withdraw
 21 from the county library system. Such notice shall not become effec-

22 tive until January 1 of the year following the year in which the
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30 Statutes for a period of two years from the year of the munici-
31 pality's withdrawal from the system.

32 Nothing in this section shall prevent a municipality from estab-
33 lishing a municipal free public library pursuant to chapter 54 of
34 Title 40 of the Revised Statutes.

1 8. This act shall take effect immediately.

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5 dollar of assessable property within such municipality *based on*
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2 county library system pursuant to section 1 of P. L. 1951, c. 101
3 (C. 40:33-13.1) or P. L. 1963, c. 46 (C. 40:33-5.1) may withdraw
4 from that system by resolution of the governing body adopted after
5 a public hearing held thereon. Within 30 days of the adoption of
6 such resolution, the municipal governing body shall provide the
7 county governing body with notice of its intent to withdraw from
8 the county library system. Such notice shall not become effective
9 until January 1 of the year following the year in which the notice
10 was given and shall provide that the municipality remain a member
11 of the county library system for two years after the effective date
12 of the notice.

13 Any municipality which withdraws from the county library
14 system and which fails to comply with the provisions of this section
15 shall be required to provide the county library with financial sup-

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17 Statutes for a period of two years from the year of the munici-
18 pality's withdrawal from the system.

19 This section shall not apply to any county library system re-
20 organized under the provisions of P. L. 1977, c. 300 (C. 40:33-15
21 et seq.).

1 7. (New section) Any municipality which is a member of a county
2 library system pursuant to R. S. 40:33-1 on the effective date of
3 this amendatory and supplementary act shall continue as a member
4 of the county library system unless the governing body of the
5 municipality determines by resolution to propose withdrawing
6 from that system.

7 Following the adoption of that resolution and after a public
8 hearing held thereon the governing body shall cause the question
9 of withdrawal from the county library system to be submitted to
10 the legal voters of the municipality at an election to be held in the
11 manner provided for the establishment of free public libraries
12 pursuant to R. S. 40:54-1 et seq.

13 The question shall be submitted in the following form:

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15 (X) or plus (+) in the square at the left of the word YES, and if
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17 plus (+) at the left of the word NO.

	Yes.	"Shall (name of municipality) withdraw from the county library system pursuant to P. L., c., (C.) (Now pending before the Legislature as Senate Bill No. 1037 of 1984) and establish a free public library?"
	No.	

18 If a majority of the voters approve the withdrawal from the
19 county library system, the municipal governing body shall provide
20 the county governing body with notice of its intent to withdraw
21 from the county library system. Such notice shall not become effec-
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30 Statutes for a period of two years from the year of the munici-
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32 Nothing in this section shall prevent a municipality from estab-
33 lishing a municipal free public library pursuant to chapter 54 of
34 Title 40 of the Revised Statutes.

1 8. This act shall take effect immediately.

STATEMENT

This bill revises the reporting requirement for municipal and county libraries, and increases the size of county library commissions to seven members. It provides a mechanism for the withdrawal of a municipal library from the county library system, with provision for a delay of two years after notice of withdrawal becomes effective.

The bill also requires municipalities to raise money for library purposes by taxing property on its equalized value rather than on its assessed value.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
SENATE, No. 1037

STATE OF NEW JERSEY

DATED: APRIL 30, 1984

Senate Bill No. 1037 would make certain modifications to the county and municipal libraries laws. The specific areas that would be affected are municipal contributions, reporting requirements, membership of county library commissions and withdrawal from county library systems.

The changes which would be made by the bill are as follows:

(1) The calculation of required annual municipal contributions would be shifted to rest on the equalized valuation of assessable property, rather than on the assessed valuation.

(2) Increases in municipal appropriations to municipal libraries would be subjected to a 15% ceiling, which could be raised with the approval of the Director of the Division of State Library, Archives and History.

(3) More comprehensive annual reporting requirements would be established for boards of trustees of municipal libraries and county library commissions.

(4) County library commissions with fewer than three members who are residents of the supporting municipalities would be expanded to seven members, all of whom would be residents of the supporting municipalities. Within five years of the bill's effective date, all commissions would have to have a majority representation of residents of the supporting municipalities.

(5) Specific procedures would be prescribed for the withdrawal of a municipality from a county library system.

ASSEMBLY COUNTY GOVERNMENT AND
REGIONAL AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 1037

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1985

Senate Bill No. 1037 Aca would make modifications to the county and municipal libraries laws concerning municipal contributions, reporting requirements, membership of county library commissions and withdrawal from county library systems.

The changes which would be made by the bill are as follows:

(1) The calculation of required annual municipal contributions would be based on the equalized valuation of assessable property in the municipality instead of on the assessed valuation.

(2) Increases in municipal appropriations to municipal libraries would be limited to a 15% increase over the previous year's total expenditures unless the Director of the Division of State Library, Archives and History in the Department of Education approves additional appropriations.

(3) More comprehensive annual reporting requirements would be established for boards of trustees of municipal libraries and county library commissions.

(4) County library commissions with fewer than three members who are residents of the supporting municipalities would be expanded to seven members, with the new members being residents of the supporting municipalities. Within five years of the bill's effective date, all commissions would have to have a majority representation of residents of the supporting municipalities.

(5) Specific procedures would be prescribed for the withdrawal of a municipality from a county library system.

The committee reported the bill favorably.

[ASSEMBLY REPRINT]
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 4 vious year plus 15% of the previous year's total expenditures for
 5 the maintenance of a free public library; except that the director
 6 of the Division of State Library, Archives and History in the
 7 Department of Education is authorized to approve additional ap-
 8 propriations to any municipality that requests to appropriate an
 9 amount in excess of 15% of the previous year's total library
 10 expenditures.

1 6. (New section) Any municipality which is a member of a
 2 county library system *[pursuant to section 1 of P. L. 1951, c. 101
 3 (C. 40 :33-13.1) or P. L. 1963, c. 46 (C. 40:33-5.1)]* *not exempted*
 4 *as provided hereafter,** may withdraw from that system by
 5 resolution of the governing body adopted after a public hearing
 6 held thereon. Within 30 days of the adoption of such resolution, the
 7 municipal governing body shall provide the county governing body
 8 with notice of its intent to withdraw from the county library system.
 9 Such notice shall not become effective until January 1 of the year

10 following the year in which the notice was given and shall provide
 11 that the municipality remain a member of the county library system
 12 for two years after the effective date of the notice.

13 Any municipality which withdraws from the county library
 14 system and which fails to comply with the provisions of this section
 15 shall be required to provide the county library with financial sup-
 16 port in the manner provided in chapter 33 of Title 40 of the Revised
 17 Statutes for a period of two years from the year of the munici-
 18 pality's withdrawal from the system.

19 This section shall not apply to any county library system re-
 20 organized under the provisions of P. L. 1977, c. 300 (C. 40:33-15
 21 et seq.) *or P. L. 1963, c. 46 (C. 40:33-5.1 et seq.)*.

1 7. (New section) Any municipality which is a member of a county
 2 library system pursuant to R. S. 40:33-1 on the effective date of
 3 this amendatory and supplementary act shall continue as a member
 4 of the county library system unless the governing body of the
 5 municipality determines by resolution to propose withdrawing
 6 from that system.

7 Following the adoption of that resolution and after a public
 8 hearing held thereon the governing body shall cause the question
 9 of withdrawal from the county library system to be submitted to
 10 the legal voters of the municipality at an election to be held in the
 11 manner provided for the establishment of free public libraries
 12 pursuant to R. S. 40:54-1 et seq.

13 The question shall be submitted in the following form:

14 "If in favor of the public question printed below mark a cross
 15 (X) or plus (+) in the square at the left of the word YES, and if
 16 opposed to the public question printed below mark a cross (X) or
 17 plus (+) at the left of the word NO.

	Yes.	"Shall (name of municipality) withdraw from the county library system pursuant to P. L., c....., (C.) (Now pending before the Legislature as Senate Bill No. 1037 of 1984) and establish a free public library *pursuant to the provisions of chapter 54 of Title 40 of the Revised Statutes*?"
	No.	

18 If a majority of the voters approve the withdrawal from the
 19 county library system, the municipal governing body shall provide
 20 the county governing body with notice of its intent to withdraw
 21 from the county library system. Such notice shall not become effec-

22 tive until January 1 of the year following the year in which the
23 notice was given and shall provide that the municipality remain a
24 member of the county library system for two years after the effec-
25 tive date of the notice.

26 Any municipality which withdraws from the county library
27 system and which fails to comply with the provisions of this section
28 shall be required to provide the county library with financial sup-
29 port in the manner provided in chapter 33 of Title 40 of the Revised
30 Statutes for a period of two years from the year of the munic-
31 ipality's withdrawal from the system.

32 Nothing in this section shall prevent a municipality from estab-
33 lishing a municipal free public library pursuant to chapter 54 of
34 Title 40 of the Revised Statutes.

1 8. This act shall take effect immediately.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT
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TRENTON, N.J. 08625

Release: TUES., JAN. 21, 1986

Governor Thomas H. Kean has signed the following bills:

S-3435, sponsored by State Senator Daniel J. Dalton, D-Camden, which amends the list of employers subject to the existing Worker and Community Right to Know Act of 1983, by deleting some employers and adding others not currently covered under the Act.

A-4225, sponsored by Assemblyman D. Bennett Mazur, D-Bergen, which creates an Emergency Response System Study Commission to study the emergency response system involving such emergency services as police, fire, rescue, and medical services.

S-515, sponsored by State Senator Raymond Lesniak, D-Union, which provides for the licensing of orthopedic x-ray technologists and urologic x-ray technologists under the Radiologic Technology Board of the Department of Environmental Protection.

S-1037, sponsored by State Senator Matthew Feldman, D-Bergen, which increases local funding to municipal libraries by requiring that municipalities appropriate to their libraries a sum equal to one third of a mill on every dollar of assessable property based on the equalized value of the property.