

18A:73-1 et seq.

August 31, 1970

LEGISLATIVE NOTES ON R.S. 18A:73-1 et seq.  
(Division Libraries and Division of Museums)

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L.1969 - Chapt. 158 - S446  
February 6 - Introduced by Hering  
April 21 - Passed in Senate  
May 15 - Passed in Assembly  
September 9 - Approved, Chapter 158  
Not amended during passage  
No statement on bill  
Governor's statement on signing (Copy enclosed)

Letter from Roger H. Mc Donough,  
Director of State Library,  
dated September 19, 1969 (copy enclosed)

DEPOSITORY COPY  
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FROM: OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE:  
September 9, 1969

Governor Richard J. Hughes today signed into law the following bills:

Senate Bill No. 446 - which amends the provisions in the law regarding the State Library and State Museum. It modernizes the law, defines the duties and responsibilities of the State Librarian and his Advisory Council, and is patterned closely upon the accepted Standards for Library Functions at the State Level of the American Library Association.

Senate Bill No. 585 - which provides that railroad passes issued to State employees and other officials of the State government are not valid on interstate trains which do not provide intrastate service, or on extra fare or special purpose trains.

Assembly Bill No. 137 - which authorizes the gift of all or part of a human body after death for specified purposes and under certain conditions. The bill was originally proposed in 1968 by the National Conference of Commissioners of Uniform State Laws. This act will help to bring uniformity in an area where there had been great diversity of statutory provisions.

Assembly Bill No. 416 - which simplifies the identification procedures for polling places, eliminating the necessity for a metes and bounds description of the polling place but requiring the address and telephone number.

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## State of New Jersey

### STATE LIBRARY

DEPARTMENT OF EDUCATION  
185 WEST STATE STREET P. O. BOX 1898  
TRENTON, N. J. 08625

OFFICE OF THE DIRECTOR

Sept. 19, 1969

Dear Colleague:

On September 9th the Governor signed the amended N.J. State Library Law. (Chapter 158 of the Laws of 1969). This amendment, resulting from two years of study by the State Library staff, was approved by the Advisory Council of the State Library and the Department of Education before being introduced in the Legislature.

In essence Chapter 158 modernizes the law, defines the duties and responsibilities of the State Librarian and the Advisory Council, and is patterned closely upon the American Library Association Standards for Library Functions at the State Level.

The separation of the provisions affecting the State Library from those affecting the State Museum made it possible to amend the State Library Law without disrupting the present law governing the State Museum. The new law reflects the differing aims and concerns of these two institutions.

In line with the greater responsibilities and the amounts of state and federal funds now administered by the State Library, the new law authorizes increasing the membership of the Advisory Council from five to eight in order to bring additional lay opinion and advice to bear upon such crucial matters as rules and regulations, minimum standards, apportionment of state aid, and the State's library development program. The Commissioner of Education is cited in the amendment as an ex officio member of the Council.

(more)

Considerably more freedom is afforded the State Librarian in organizing the Division to respond to current demands and programs. The amendment thus specifies the services to be rendered by the Library, rather than the Bureaus which would administer them. Among services now clarified in the Library law for the first time are the following:

- \* maintenance of library resources and information services over a broad range of subjects which affect the educational, intellectual, cultural, economic, and political life of the State;
- \* coordination of a statewide system of libraries in New Jersey;
- \* study of library problems throughout the State;
- \* library service for the blind and handicapped;
- \* documents depository service;
- \* advisory service for libraries in institutions of higher education, and special libraries;
- \* advisory service for libraries in State Departments, institutions, and agencies;
- \* records management for State and local governments.

In many ways, the amendment simply catches up with activities the Library has had to assume in the past. But the wording has been cleared of much dead wood, and should provide sufficient flexibility to serve as a legal base for many years to come.

Sincerely,  
ROGER H. McDONOUGH  
Director

RHM-sw

New Jersey Department of Education  
Division of the State Library, Archives & History  
185 West State Street, Trenton, N.J. 08625

THE LEGAL BASE OF THE NEW JERSEY STATE LIBRARY

September, 1969

Comparison of the major provisions of

THE OLD LAW

Title 18A, Chap. 73 (P.L. 1967, c. 271)

The State Librarian: graduate of an accredited college or university; have had 1 year of training in a school of library science accredited by ALA; at least 4 years of library experience in a responsible admin. capacity. 18A:73-4.

Powers and Duties: direct and administer the division; administer all laws which by their terms are included under the jurisdiction of the Division; prescribe the powers and duties of Bureau heads except as may be otherwise provided by law; prescribe rules and regulations subject to approval by the Commissioner, as may be necessary. 18A:73-6; 18A:73-7.

The Division of the State Library, Archives and History: There shall be established within the Division the following Bureaus:

- (a) The Law Library, which shall include the legislative reference bureau;
- (b) The General Reference Library;
- (c) The Public and School Library Services which shall include the inter-loan service, traveling library service, library extension service, library advisory service, deposit & exchange library service...
- (d) The Bureau of Archives & History. 18A:73-12.

Heads of Bureaus:

(Qualifications cited in this law are now covered in Civil Service Specifications: section dropped.)

THE NEW LAW

Title 18A, Ch. 73 (amend. by P.L. 1969, c. 158)

The State Librarian: graduate of an accredited college or university; graduate of a school of library service accredited by ALA; at least 4 years of library experience in a responsible administrative capacity. 18A:73-32.

Powers and Duties:  
(a) Direct & administer the Division;  
(b) Administer all laws under the jurisdiction of the Division;  
(c) Establish & organize Bureaus therein;  
(d) Allocate duties to be performed by the personnel and the Bureaus;  
(e) Prescribe such rules & regulations as may be necessary to effectuate his powers and duties under this act;  
(f) Prescribe minimum standards of service for libraries in New Jersey. 18A:73-33.

The Division: shall --

(a) Maintain library resources & 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 & judicial branches of State Government; supplemental library services for N.J. libraries & citizens; direct library service for the handicapped;

(c) Purchase or otherwise acquire & maintain a general collection of books, periodicals, newspapers, maps, slides, films and other library materials for the use of the State and local governments, libraries, and the public generally; and exchange, discard, sell, or otherwise dispose of books and library materials as required...

(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 N.J. materials; a records management service for  
(over)

Old Law: Title 18A Chap. 73 (PL 1967, c.271.)

New Law: Title 18A, Chap. 73, (amended by P.L. 1969, c.158.)

State & 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 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 (note: The N.J. Historical Commission, created by P.L. 1967, c.271, Title 18A:73-21 et seq., is placed administratively within the State Library.)

(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. 18A:73-35.

The Advisory Council: shall consist of 5 members. 18A:73-8

The Advisory Council: shall consist of 8 members (including the Commissioner of Education ex officio). 18A:73-28.

\_\_\_\_\_ Powers and Duties: The Council shall:

(a) Subject to approval of the Director, adopt, amend, rescind and revise rules and regulations...for the regulation of the public use of the facilities of the Division;

(b) Advise and consult with the Director with respect to the functions of the Division;

(c) Study and evaluate the public services rendered by the Division and recommend to the Director appropriate items for addition to its collections. 18A:73-11.

\_\_\_\_\_ Powers and Duties: The Council shall give advice and make recommendations...with regard to:

(a) Appointment of the State Librarian;

(b) Policies and operation of the Division of the State Library and the State's library program;

(c) Adoption, amendment or rescission of rules and regulations;

(d) Minimum standards of service;

(e) Apportionment of state aid;

(f) Contractual arrangements for library services to which the State Department of Education is a party. 18A:73-31.

SENATE, No. 446

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1969

By Senator HIERING

Referred to Committee on Education

AN ACT concerning the Division of the State Museum and the Division of the State Library, Archives and History and amending sections 18A:73-1 to 18A:73-3 both inclusive, 18A:73-6 to 18A:73-11 both inclusive and 18A:73-14 and repealing sections 18A:73-4, 18A:73-12, 18A:73-13 and 18A:73-15 to 18A:73-19 both inclusive and supplementing chapter 73 of Title 18A, of the New Jersey Statutes and repealing sections 52:26-2, 52:26-3, 52:26-3.1, 52:26-5, 52:26-8 to 52:26-13 both inclusive, and 52:26-21 to 52:26-26 both inclusive, of the Revised Statutes and sections 25 and 26 of chapter 49 of the laws of 1953.

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

1 1. Section 18A:73-1 of the New Jersey Statutes is amended to  
2 read as follows:

3 18A:73-1. The Division of the **[State Library, Archives and**  
4 **History and the Division of the]** State Museum in the State De-  
5 partment of Education **[are]** *is* continued.

1 2. Section 18A:73-2 of the New Jersey Statutes is amended to  
2 read as follows:

3 18A:73-2. **[Each]** *The* division shall consist of a director and  
4 an advisory council and such other personnel as the Commissioner  
5 of Education may deem necessary for the efficient administration  
6 **[of each]** thereof.

7 The director and members of the advisory **[councils]** *council*  
8 and the other personnel holding office, position or employment *in*  
9 *this division* upon the effective date of this **[chapter in each di-**  
10 **vision]** *act* shall continue to hold the same according to their re-  
11 spective terms of office or conditions of employment.

1 3. Section 18A:73-3 of the New Jersey Statutes is amended to  
2 read as follows:

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

3 18A:73-3. The **[directors]** *director* of the **[divisions]** *division*  
 4 shall be appointed by, and **[their salaries]** *his salary* shall be fixed  
 5 by, the commissioner, with the approval of the State board. **[Each**  
 6 **of the directors]** *The director* thus appointed shall be in the classi-  
 7 fied service of the civil service of the State.

1 4. Section 18A:73-6 of the New Jersey Statutes is amended to  
 2 read as follows:

3 18A:73-6. The **[directors]** *director* of the **[divisions]** *division*  
 4 shall head **[their respective divisions]** *his division*, and shall, with  
 5 the approval and under the supervision of the commissioner, direct  
 6 and administer the work of **[their respective divisions]** *his divi-*  
 7 *sion*, administer all laws which are by their terms included under  
 8 the jurisdiction of **[their respective divisions]** *his division*, organ-  
 9 ize the bureaus therein and prescribe the powers and duties of the  
 10 bureau heads thereof, except as may be otherwise provided by law.

1 5. Section 18A:73-7 of the New Jersey Statutes is amended to  
 2 read as follows:

3 18A:73-7. The director of **[each]** *the* division may, with the  
 4 approval of the commissioner, prescribe such rules, not incon-  
 5 sistent with law, as may be necessary to effectuate his powers and  
 6 duties under this chapter.

1 6. Section 18A:73-8 of the New Jersey Statutes is amended to  
 2 read as follows:

3 18A:73-8. There shall be **[within the Division of the State Li-**  
 4 **brary, Archives and History an advisory council which shall be**  
 5 **designated as the Advisory Council of the State Library, Archives**  
 6 **and History, and there shall be]** an advisory council within the  
 7 Division of the State Museum which shall be designated as the  
 8 Advisory Council of the State Museum. **[Each of such]** *Such*  
 9 advisory **[councils]** *council* shall consist of 5 members. Each mem-  
 10 ber shall be appointed by the Governor, by and with the advice  
 11 and consent of the Senate, for a term of 5 years beginning on July 1  
 12 and ending on June 30 and shall serve until his successor has been  
 13 appointed and qualified but in any such case and in case of a va-  
 14 cancy, however occurring, the successor shall be appointed in like  
 15 manner for the unexpired term only.

16 The **[members of the Advisory Council of the State Library,**  
 17 **Archives and History and the]** members of the Advisory Council  
 18 of the State Museum serving on the effective date of this **[chapter]**  
 19 *act* shall continue in office for the remainder of the respective terms  
 20 for which they were appointed and until their respective successors  
 21 shall be appointed and qualified. Any member of **[either]** *the*



22 council may be removed from office by the Governor, for cause,  
23 upon notice and opportunity to be heard.

1 7. Section 18A:73-9 of the New Jersey Statutes is amended to  
2 read as follows:

3 18A:73-9. The commissioner may upon his own initiative, and  
4 must at the request of any 3 members [of either] of the advisory  
5 [councils] *council* call joint meetings from time to time of all of  
6 the members of the [respective] *said* advisory [councils] *council*  
7 *and all the members of the Advisory Council of the Division of the*  
8 *State Library, Archives and History* to discuss the public services  
9 of the divisions, to promote the usefulness of the bureaus thereof,  
10 and to make recommendations for the improvement of their  
11 services.

1 8. Section 18A:73-10 of the New Jersey Statutes is amended to  
2 read as follows:

3 18A:73-10. The members of the advisory [councils] *council* shall  
4 serve without compensation, but shall be reimbursed for necessary  
5 expenses incurred in the performance of their duties under this  
6 chapter.

1 9. Section 18A:73-11 of the New Jersey Statutes is amended to  
2 read as follows:

3 18A:73-11. [Each of the] *The* advisory [councils] *council* shall,  
4 with respect to [its respective] *the* division:

5 a. Subject to the approval of the director [of such division],  
6 adopt, amend and rescind and, from time to time, revise rules not  
7 inconsistent with this or any other law for the regulation of the  
8 public use of the facilities of such division;

9 b. Advise and consult with the director [of such division] with  
10 respect to the functions thereof; and

11 c. Study and evaluate the public services rendered by such divi-  
12 sion and recommend to the director thereof appropriate items for  
13 addition to the division's collections, or for discard.

1 10. Section 18A:73-14 of the New Jersey Statutes is amended to  
2 read as follows:

3 18A:73-14. The commissioner shall appoint all bureau heads  
4 and fix the compensation of all such persons thus appointed. All  
5 such persons thus appointed shall be in the classified service of the  
6 civil service of the State. He shall appoint such other personnel  
7 as he may consider necessary for the efficient performance of the  
8 work of the [divisions] *division* and fix their compensation, sub-  
9 ject to the provisions of Title 11, Civil Service, of the Revised  
10 Statutes.

1 11. The Division of the State Library, Archives and History in  
2 the State Department of Education is continued.

1 12. The division shall consist of a director and an advisory council  
2 and such other personnel as the Commissioner of Education may  
3 deem necessary for the efficient administration thereof.

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

1 14. The Commissioner of Education may upon his own initiative,  
2 and must at the request of any 3 members of the Advisory Council  
3 of the Division of the State Library, Archives and History, call  
4 joint meetings from time to time of all of the members of the said  
5 advisory council and all the members of the Advisory Council of  
6 the Division of the State Museum to discuss the public services  
7 of such divisions, to promote the usefulness of the bureaus thereof,  
8 and to make recommendations for the improvement of their  
9 services.

1 15. The members of the advisory council shall serve without  
2 compensation, but shall be reimbursed for necessary expenses in-  
3 curred in the performance of their duties under this act.

1 16. The advisory council shall give advice and make recommenda-  
2 tions to:

3 (a) The Commissioner of Education with regard to the appoint-  
4 ment of the State Librarian;

5 (b) The Commissioner of Education and the State Librarian  
6 with regard to

7 (1) The policies and operations of the Division of the State  
8 Library, Archives and History and the State's library  
9 program;

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

13 (3) Minimum standards of library service;

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

15 (5) Contractual arrangements for library services to which  
16 the State Department of Education is a party.

1 17. The director of the division shall be the State Librarian. The  
2 Commissioner of Education, subject to the approval of the State  
3 Board of Education, shall appoint the State Librarian and fix his  
4 compensation, subject to the provisions of Title 11, Civil Service,  
5 of the Revised Statutes.

6 The State Librarian shall be a graduate of an accredited uni-  
7 versity or college and shall, prior to his appointment, have  
8 graduated from a school of library service accredited by the  
9 American Library Association, and have had at least 4 years of  
10 library experience in a responsible administrative capacity.

1 18. The State Librarian shall head the division and shall, with  
2 the approval and under the supervision of the Commissioner of  
3 Education:

4 (a) Direct and administer the work of the division;

5 (b) Administer all laws which are by their terms included under  
6 the jurisdiction of the division;

7 (c) Establish and organize the bureaus therein;

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

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

13 (f) Prescribe minimum standards of service for libraries in the  
14 State of New Jersey as may be necessary to effectuate his powers  
15 under the law.

16 19. The Commissioner of Education shall, with the advice of the  
17 State Librarian, appoint all professional staff in the division, and  
18 fix the compensation of all such persons thus appointed. He shall  
19 appoint such other personnel as he may consider necessary for the  
20 efficient performance of the work of the division and fix their com-

21 pensionation. All persons thus appointed shall be subject to the pro-  
22 visions of Title 11, Civil Service, of the Revised Statutes.

1 20. The division shall:

2 (a) Maintain library resources and information services over  
3 a 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, execu-  
6 tive and judicial branches of State Government, supplemental  
7 library service for New Jersey libraries and citizens and direct  
8 library service for the handicapped;

9 (c) Purchase or otherwise acquire, and maintain a general col-  
10 lection 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;  
22 an interlibrary loan service; an advisory service for public libraries,  
23 school libraries, libraries of institutions of higher education, in-  
24 dustrial, commercial and other special libraries, State department  
25 and agency libraries, and the libraries the State maintains within  
26 the institutions carrying out its health, welfare and correctional  
27 programs; and a library service for the handicapped; and provide  
28 such other services as may be required by law;

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

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

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

1 21. The State Librarian shall annually receive from the cus-  
2 todian of the State House for reference use and for deposit and  
3 exchange purposes not less than 75 bound copies and not less than  
4 75 unbound copies of all pamphlet laws, compilations and similar  
5 publications, published by or under the authority of this State or  
6 the Legislature thereof, or of which the State has become a pur-  
7 chaser, and 75 bound copies each of the journals of the Senate and  
8 the minutes of the General Assembly.

1 22. The State Librarian shall collect and keep up to date and  
2 readily accessible to the Legislature, and to other persons within  
3 proper regulations, such materials as will furnish the fullest in-  
4 formation practicable pertaining to current or proposed legislation  
5 or any legislative or administrative problems, and he shall prepare  
6 and submit digests of such informative materials upon the request  
7 of any member or committee of the Legislature.

1 23. The State Library shall be kept open during the normal  
2 working hours of State Government and at all times during which  
3 the Legislature and the courts of this State and of the United States  
4 which sit at Trenton are in session, and at such other times as the  
5 State Librarian, with the approval of the Commissioner of Educa-  
6 tion, shall prescribe.

1 24. Subject to approval by the State Board of Education, the  
2 Commissioner of Education may apply for and accept on behalf  
3 of the State of New Jersey and, through the Division of the State  
4 Library, Archives and History, administer for the State, any funds,  
5 books and library facilities applicable to public or school library  
6 purposes, granted or provided by the Federal Government, or any  
7 agency or officer thereof, under or pursuant to any Federal Law  
8 heretofore or hereafter enacted authorizing grants to the States  
9 for such purposes or for similar purposes.

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

1 26. The State Treasurer shall receive and provide for the proper  
2 custody of any funds granted by the Federal Government for such  
3 public or school library purposes, under or pursuant to any Federal

4 law. All moneys so received shall be used exclusively for the  
5 purposes of any such law. Such moneys shall be expended in the  
6 same manner as any funds of the State are expended, upon  
7 vouchers certified or approved by the Commissioner of Education  
8 or his duly authorized representative, as provided by law.

1 27. The State Librarian and the other personnel holding office,  
2 position or employment upon the effective date of this amendatory  
3 and supplemental act shall continue to hold the same according to  
4 their respective terms of office or conditions of employment.

1 28. A joint committee of the Legislature shall be appointed  
2 which shall examine and review the library and its programs,  
3 particularly the legislative reference services, make recommenda-  
4 tions for their development and improvement, and report to the  
5 Legislature.

1 29. The following acts and parts of acts are repealed: sections  
2 18A:73-4, 18A:73-12, 18A:73-13 and 18A:73-15 to 18A:73-19 both  
3 inclusive, of the New Jersey Statutes; sections 52:26-2, 52:26-3,  
4 52:26-3.1, 52:26-5, 52:26-8 to 52:26-13 both inclusive, 52:26-21 to  
5 52:26-26 both inclusive, of the Revised Statutes and sections 25  
6 and 26 of chapter 49 of the laws of 1953.

1 30. This act shall take effect immediately.