

40:33-13.2d -- 40:33-13.2n

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 40:33-13.2d -- 40:33-13.2n

(County Library Study Commission to evaluate county libraries)

**LAWS OF:** 1981

**CHAPTER:** 489

**Bill No:** S3010

**Sponsor(s):** Feldman and others

**Date Introduced:** January 22, 1981

**Committee:** **Assembly:** Education

**Senate:** Education

**Amended during passage:** Yes

Amendments during passage denoted by asterisks

**Date of Passage:** **Assembly:** January 11, 1982

**Senate:** February 26, 1981

**Date of Approval:** January 12, 1982

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes

**Senate** Yes

**Fiscal Note:** Yes

**Veto Message** No

**Message on Signing:** No

**Following were printed:**

**Reports:** Yes

**Hearings:** Yes

**Report, referred to in statements:**

974.90 New Jersey. County and Municipal Government Study Commission.  
L694 The development of libraries and networks: prospective roles and  
1979m responsibilities for libraries in New Jersey. Draft. November, 1979.  
Trenton, 1979.

over

- 974.90 New Jersey. County and Municipal Government Study Commission.  
L694 The development of libraries and networks: prospective roles and  
1980d responsibilities for libraries in New Jersey. 19th report. June, 1980.  
Trenton, 1980.
- Hearing:  
974.90 New Jersey. County and Municipal Government Study Commission.  
L694 Public Hearing, Held 1-11-80. Trenton, 1980.  
1980
- For background see:  
974.90 New Jersey. County and Municipal Government Study Commission.  
L694 Current issues facing libraries in New Jersey. January 5, 1978.  
1978 Trenton, 1978.
- 974.90 New Jersey. Governor's Conference on Library and Information Services,  
L694 Cherry Hill, N.J., 1979.  
1979a Memorandum on conference preparations. Trenton, 1979.  
  
(Background on conference particularly geared for attendees;  
includes topics and guidelines on information paper topics to be presented.)
- 974.90 New Jersey. Governor's Conference on Library and Information Services,  
L694 Cherry Hill, N.J., 1979.  
1979e Delegate Resolution.  
(Lists resolutions only -- no discussion.)
- 974.90 New Jersey. Governor's Conference on Library and Information Services,  
L694 Cherry Hill, N.J., 1979.  
1979g Papers prepared for New Jersey Governor's Conference. 1979.  
(Collection of papers prepared for use at Conference on library  
topics. Subjects include networking, volunteers, finance, etc.)
- 974.90 New Jersey. Advisory Group on State Plan for Library Services.  
L694 A developing state plan for library services: first draft.  
1979h October, 1979. Trenton, 1979.  
(Goals and objectives to be incorporated by legislation.)
- 974.90 New Jersey. County and Municipal Government Study Commission.  
L694 The development of libraries and networks: prospective roles and  
1979n responsibilities for libraries. November, 1979. Trenton, 1979.  
(Summary of 974.90, L694, 1979 m)
- 974.90 New Jersey. Governor's Conference on Library and Information Services.  
L694 Cherry Hill, N.J., 1979.  
1979p Conference wrap up. April, 1979. Trenton, 1979.  
(Summary of highlights of Conference-- Sum marizes resolutions and  
goals and objectives; listing of delegates)

- 974.90 New Jersey Advisory Group on State Plan for Library Services.  
L694 A developing state plan for library services: second draft.  
1979r December, 1979. Trenton, 1979.
- 974.90 New Jersey. Governor's Conference on Library and Information Services.  
L694 Cherry Hill, 1979.  
1979s Program. April 1-3, 1979. Cherry Hill, N.J., 1979.
- 974.90 New Jersey. Advisory Group on State Plan for Library Services.  
L694 A developing state plan for library services. January, 1980.  
1980a Trenton, 1980.  
(Final Report)
- 974.90 New Jersey. Advisory Group on State Plan for Library Services.  
L694 Elements to be incorporated in library network legislation.  
1980c (Elements being recommended by Statewide Planning Group for  
incorporation into legislative package.)
- 974.90 New Jersey. County and Municipal Government Study Commission.  
L694 The development of libraries and networks: prospective roles and  
1980d responsibilities for libraries in New Jersey. June, 1980. Trenton, 1980.

1-12-82

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## SENATE, No. 3010

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1981

By Senators FELDMAN, MUSTO, HERBERT, LIPMAN, MARESSA,  
PARKER and HAGEDORN

Referred to Committee on Education

AN ACT concerning county libraries 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. This act shall be known and may be cited as the "County  
2 Library Reorganization Law."

1 2. The governing body of any county which has established a  
2 county library as provided in chapter 33 of Title 40 of the Revised  
3 Statutes may, by ordinance or resolution, as appropriate, establish  
4 a county library study commission to consider and make findings  
5 concerning the county library system. The governing body shall  
6 establish such a commission when it receives a petition calling for  
7 the creation of a county library study commission signed by 10%  
8 of the registered voters of the county.

9 a. The commission shall be composed of nine members who shall  
10 be residents of the county and appointed by the governing body  
11 of the county. Of the nine members, six shall be private citizens  
12 representing different municipalities in the county, none of whom  
13 shall be employed by any library within the county which is funded  
14 in whole or in part by county or municipal funds, and none of whom  
15 shall be a member of the governing body of the county or of any  
16 municipality therein. Of the three remaining members, one shall  
17 be a member of the county library commission; one shall be a trustee  
18 of a public library of a municipality which is not a member of  
19 the county library system; and, one shall be a trustee of a public  
20 library of a municipality which is a member of the county library  
20A system.

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

21 b. The county governing body shall designate the commission  
22 chairman from among the six private citizen members.

23 c. Members of the commission shall serve without compensation,  
24 but shall be reimbursed, as hereinafter provided, by the county  
25 governing body for necessary expenses actually incurred in the  
26 performance of their duties under this act.

1 3. It shall be the duty of the county library study commission to  
2 study the county library system, assess its needs, and evaluate its  
3 ability to provide library services to county residents. The library  
4 study commission may report and recommend that:

5 a. A referendum be held to submit to the voters of the county  
6 the question as to whether or not the county library system shall  
7 be reorganized to conform to one of the options set forth in sec-  
8 tions 6, 7 and 8 of this act; or,

9 b. The county library system remain unchanged.

1 4. a. The governing body of the county shall provide the county  
2 library study commission with such offices as may be necessary for  
3 the conduct of its business and shall make available such equip-  
4 ment and supplies as it may require.

5 b. All necessary expenses actually incurred by the county library  
6 study commission and its members shall be paid, upon certification  
7 of the chairman of the commission, by the county treasurer within  
8 the limits of funds appropriated by the county governing body for  
9 this purpose, subject to such fiscal procedures as may be established  
10 by the governing body.

11 c. The county library study commission may appoint such em-  
12 ployees, consultants, and clerical staff as are necessary to carry  
13 out the provisions of this act within the limits of funds appropri-  
14 ated by the governing body of the county for this purpose, subject  
15 to such fiscal procedures as may be established by the governing  
16 body.

17 d. The county library study commission shall report its findings  
18 and recommendations to the county governing body within 1 calen-  
19 dar year following the date of its establishment and it shall be the  
20 responsibility of the governing body to make a copy of the com-  
21 mission's report available without cost to any member of the public  
22 requesting the same. If the county library study commission shall  
23 recommend the reorganization of the county library system as  
24 provided in section 8 of this act, the county clerk shall cause a  
25 referendum question conforming with the requirements of section 5  
26 of this act to be placed on the ballot at the next general election  
27 occurring not less than 60 days following the clerk's receipt of

28 notice of the commission's recommendations and the summary re-  
 29 quired to be prepared pursuant to section 5 of this act. If the  
 30 commission recommends that a county library system be reorgan-  
 31 ized pursuant to sections 6 and 7 of this act, the county clerk shall  
 32 cause a referendum question to appear only on the ballots in those  
 33 municipalities to which the question is applicable at the next gen-  
 34 eral election occurring not less than 60 days following the clerk's  
 35 receipt of notice of the commission's recommendations.

1 5. The question of the reorganization of the county library sys-  
 2 tem shall be submitted to the voters in substantially the following  
 3 form:

4 "Shall the county library system be reorganized pursuant to  
 5 section . . . of the "County Library Reorganization Law" (P. L.  
 6 . . . , c. . . ) to implement the ' . . . . . Option,' as recom-  
 7 mended by the . . . . . County Library Study Commis-  
 8 sion?"

9 Not more than 45 days prior to the general election the county  
 10 clerk shall cause to have published in a newspaper generally cir-  
 11 culating in the county a summary of the commission's report pre-  
 12 pared by the commission and a notice of the time and place at  
 13 which copies of the commission's report may be obtained without  
 14 cost by any member of the public requesting the same.

15 If at the election at which the question is submitted, a majority  
 16 of all votes cast for and against adoption shall be cast in favor  
 17 thereof, the question is adopted, and the date of the adoption shall  
 18 be the effective date of reorganization of the county library system  
 19 for the purposes of this act.

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

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

17 shall conform to all standards promulgated by the Division of the  
18 State Library, Archives and History for branch libraries.

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

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

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

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

5 a. The county library commission shall offer a contract to any  
6 of the municipalities identified by the county library study com-  
7 mission in its report to provide such municipalities with sufficient  
8 staff and materials to insure compliance with standards promul-  
9 gated by the Division of the State Library, Archives and History  
10 for library service in those municipalities. Municipalities shall  
11 accept or reject such contracts by resolution of the governing body.

12 Any municipality which accepts a contract shall determine an  
13 appropriate geographic location within the municipality for the  
14 staff and materials provided by the county library.

15 b. Any municipality which rejects a contract pursuant to this  
16 section and is a member of the county library system shall remain  
17 a member of the system until such time as it elects to withdraw  
18 from the system in the manner provided in chapter 33 of Title 40  
19 of the Revised Statutes.

1 8. The option for reorganization of the county library system  
2 provided in this section shall be known as the "Tax Base Sharing

3 Option," and shall be available only to any county in which rev-  
 4 enues from the dedicated county library tax established pursuant  
 5 to R. S. 40:33-9 or P. L. 1977, c. 300 (C. 40:33-15 et seq.) have  
 6 been derived from less than 75% of the total assessed property of  
 7 the county in the calendar year prior to the establishment of the  
 8 county library study commission. This option shall govern the  
 9 county library system of any qualified county whose voters have  
 10 adopted it pursuant to section 5 of this act.

11 a. The governing body of the county shall annually determine a  
 12 sum sufficient to distribute among certain municipalities and the  
 13 county according to the following formula:

$$14 \quad A = CBS + CRS + LRS$$

15 where:

16 A is the total tax pool to be distributed;

17 CBS is the county base share and is determined as .0000666 X  
 18 the apportionment valuation of the county;

19 CRS is the county residual share and is determine as [A-CBS]  
 20 X .60; and,

21 LRS is the local residual share and is determined as [A-CBS]  
 22 X .40.

23 The county base share (CBS) shall be appropriated to the  
 24 county library which shall receive no funds from the library tax  
 25 provided for in R. S. 40:33-9 or from the library tax established  
 26 in P. L. 1977, c. 300 (C. 40:33-15 et seq.). The local residual share  
 27 (LRS) shall be distributed among those municipalities not members  
 28 of the county library system on \*\***[September 1, 1980]**\*\* \*\**January*  
 29 *1, 1982*\*\*. Each such municipality shall be apportioned an amount  
 30 of those revenues in a proportion equal to the proportion which that  
 31 municipality's apportionment valuation is of the apportionment  
 32 valuation of all such municipalities. Any municipality receiving  
 33 revenues from the tax base sharing option provided in this section  
 34 shall appropriate those funds directly to the board of trustees of  
 35 any library within its borders funded by the municipality in the  
 36 calendar year prior to the reorganization of the county library  
 36a system.

37 b. For each year following the reorganization of the county li-  
 38 brary system, the county library distribution (CBS + CRS) from  
 39 the formula established in subsection a. of this section shall not be  
 40 less than the appropriation made to the county library in the cal-  
 41 endar year immediately prior to the reorganization of the county  
 42 library system; provided, however, that in the first calendar year  
 43 following the reorganization of the county library system, the  
 44 county library shall receive an appropriation \***[equal to]**\* *not*



45 *less than* **\*\*an amount equal to\*\*** the appropriation **\*\*[but not**  
 46 *more than the appropriation plus 10% of that appropriation\*\*]  
 47 made to the county library in the calendar year preceding the re-  
 48 organization of the system **\*\*and not more than an amount equal to**  
 49 *the prior year's appropriation plus 10% of that appropriation\*\**.  
 50 **\*[If the appropriation made by the county governing body to the**  
 51 county library is less than the sum of money determined by the  
 51A county library commission as necessary to operate the reorganized  
 51B county library system, the difference shall be provided by the Divi-  
 51C sion of the State Library, Archives and History in the manner pro-  
 51D vided in subsection h. of this section.]\**

52 In each year following the reorganization of the county library  
 53 system, the governing body of any municipality not a member of  
 54 the county library system shall appropriate to any library in the  
 55 municipality which was funded by the municipality prior to the  
 56 reorganization of the county library system a sum of money not  
 57 less than the average appropriation made to such libraries in the  
 58 3 years occurring immediately prior to the reorganization of the  
 59 county library system. The governing body shall also provide any  
 60 in-kind benefits or the cash equivalent thereof, which were provided  
 61 to such libraries during that preceding period.

62 c. The county library shall receive State aid as provided in the  
 63 "State Library Aid Law" (N. J. S. 18A:74-1 et seq.) based on ex-  
 64 penditures from the total appropriation from the tax base sharing  
 65 option made to the county library and the total resident population  
 66 of the county. Any library located within a municipality not a  
 67 member of the county library system shall receive State aid as  
 68 provided in the "State Library Aid Law" based on expenditures  
 69 from the total appropriation made to the library from the munici-  
 70 pality and from the portion of the local residual share received by  
 71 the municipality as provided in subsection a. of this section. Any  
 72 municipality which is a member of the county library system and  
 73 which supports a library shall receive State aid as provided in the  
 74 "State Library Aid Law" based on the total appropriation made  
 75 by the municipality for library purposes.

76 d. The county library shall make all of its patron services avail-  
 77 able to all residents of the county. For the purpose of this act  
 78 "patron services" means services rendered by a library directly to  
 79 patrons as distinguished from those services rendered to other  
 80 libraries. Patron services shall include circulation of library ma-  
 81 terials, reference assistance, and public programs.

82 e. A municipality which maintains a municipal public library  
 83 within the county shall not dissolve its municipal public library

84 for a period of 2 calendar years from the effective date of the re-  
85 organization of the county library system.

86 f. The county library commission may offer a service contract  
87 for \***[patron]**\* *library* services to any municipality within the  
88 county for any library services performed by the county library.  
89 Any such contracts shall conform to the contracts established in  
90 section 7 of this act.

91 g. The county library study commission shall remain in existence  
92 for 1 calendar year after the effective date of such reorganization.  
93 It shall be the responsibility of the commission to evaluate the tax  
94 base sharing option and to determine if the appropriation for the  
95 county library system is sufficient to provide patron services to  
96 all residents of the county and that such services are in compliance  
97 with standards promulgated by the Division of the State Library,  
98 Archives and History for such libraries. The commission shall  
99 make a report of its findings to the county governing body within 1  
100 calendar year of the reorganization of the county library system.

101 \***[h.** In the first year following the reorganization of the county  
102 library system pursuant to this section, supplementary assistance  
103 to the county library shall, upon application of the county library  
104 commission, be made available by the Division of the State Library,  
105 Archives and History. It shall be the duty of the division to de-  
106 velop criteria for the demonstration of financial need for any  
107 county library applying for such funding.

108 Upon the determination of financial need, the division shall make  
109 a grant available to the county library commission from such funds  
110 as are available for such purpose, in an amount equal to 50% of  
111 the appropriation requested by the county library commission. The  
112 remaining amount requested by the county library commission shall  
113 be loaned by the division. The division shall provide for the full  
114 repayment of any such loans by deducting funds from State per  
115 capita aid to the county library over such a period of time as may  
116 be determined by the division.]\*

1 9. For the first 2 years following the reorganization of a county  
2 library system pursuant to \*\***[sections 6, 7 or]**\*\* *section* 8 of  
3 this act, any appropriation made by the county governing body for  
4 library purposes shall not be included or considered a part of the  
5 county tax levy under section 4 of P. L. 1976, c. 68 (C. 40A:4-45.4).  
6 In the third calendar year following the reorganization of the  
7 county library system and every year thereafter any appropriation  
8 made by the county governing body for library purposes shall be  
9 considered a part of the county tax levy for the purpose of calculat-  
10 ing permissible expenditures.

1 10. a. Except as provided in subsection c. of this section, the  
 2 governing body of any county which has rejected a question placed  
 3 on the ballot pursuant to section 5 of this act may, by ordinance or  
 4 resolution, as appropriate, establish another county library study  
 5 commission to evaluate the county library system. The governing  
 6 body shall establish another commission when it receives a petition  
 7 signed by 10% of the registered voters of the county calling for  
 8 the creation of a county library study commission. Any such com-  
 9 mission shall be established and its membership appointed as pro-  
 10 vided in section 2 of this act. The commission shall have the same  
 11 powers and responsibilities as established in sections 3 and 4 of  
 12 this act.

13 b. Except as provided in subsection c. of this section, the govern-  
 14 ing body of any county which has adopted any of the options pro-  
 15 vided in this act may, by ordinance or resolution, as appropriate,  
 16 establish another county library study commission to evaluate the  
 17 reorganized county library system. The governing body shall es-  
 18 tablish such a commission when it receives a petition signed by  
 18A 10% of the registered voters of the county calling for the creation of  
 19 a county library study commission. Any such commission shall be  
 20 established and its members appointed as provided in section 2 of  
 21 this act. The commission shall have the same powers and respon-  
 22 sibilities as established in sections 3 and 4 of this act; except that,  
 23 it may also recommend that any reorganized county library system  
 24 be organized as provided in chapter 33 of Title 40 of the Revised  
 25 Statutes. If the commission shall recommend the latter then the  
 26 question to be submitted to the voters pursuant to section 5 of this  
 27 act shall be in substantially the following form:

28 "Shall the county library system be reorganized pursuant to  
 29 article 1 of chapter 33 of Title 40 of the Revised Statutes as re-  
 30 commended by . . . . . County Library Study Commission."

31 c. No ordinance or resolution or petition establishing a county  
 32 library study commission shall be valid and no question shall be  
 33 submitted within 3 years of the date of any election at which the  
 34 original question of adoption was submitted to the voters of the  
 35 county.

1 11. The Division of the State Library, Archives and History  
 2 with the approval of the State Board of Education is authorized  
 3 to promulgate, pursuant to the "Administrative Procedure Act,"  
 4 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations  
 5 as it deems necessary to effectuate the purposes of this act.

1 12. This act shall take effect immediately.

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## STATEMENT

The purpose of this bill is to improve county and municipal library service by permitting localities to reorganize their county library systems. The bill permits a county, either by ordinance or resolution of the governing body or by the filing of a petition signed by 10% of the county's registered voters, to establish a county library study commission to evaluate the county library system. The commission, to be appointed by the governing body and composed of residents of the county and members of library boards, is required to file a report within 1 year of its creation. The bill authorizes a commission to recommend one of the three reorganization options provided in the act or to leave the existing county library system unchanged. The voters of a county shall, by referendum, accept or reject any reorganization option suggested by a county library study commission.

The bill establishes the following reorganization options for a county library system:

a. "The Branch Development Option," which would require the county library to open a branch library in each municipality that is a member of the county library system prior to the reorganization of that system. Any such branch library must be approved by the municipal governing body. The county library may open a joint branch library for any two or more adjacent municipalities upon its determination that a joint branch would provide more effective services and upon the approval of the governing bodies of each municipality to be served by the joint branch. Any municipality which approves the establishment of a branch library or a joint branch library shall remain a member of the county library system for at least 5 years following the reorganization of the system. The county library shall have all branches in operation within 3 years of the reorganization of the county library system.

b. "The Service Contract Option" which would permit the county library to offer a contract to any municipality named in the report of the county library study commission for the provision of staff and materials at a level sufficient to insure compliance with State standards for library service in such municipalities.

c. "The Tax Base Sharing Option," which would allow a county governing body to provide funding for the county library system and for the libraries of municipalities not in the system with money from general county revenues. The current law enables a county to fund only the county library and establishes a specific tax for this purpose. If adopted by the county, this option would enable

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the governing body to determine the amount of money to be devoted for library purposes. The bill stipulates, however, that funding for the reorganized county library system can not be less than the amount of money raised for county library purposes in the year preceding the reorganization of the county library system. The option provides a formula for the distribution of funds raised for library purposes between the county library system and the libraries of municipalities not in the system.

The tax base sharing option also contains special provisions for the funding of the county library system during the first year of reorganization and it requires municipalities whose libraries receive money from the county to continue funding such institutions. Any county library tax authorized in chapter 33 of Title 40 of the Revised Statutes is no longer applicable in a county which has reorganized pursuant to this option.

All revenues raised for library purposes by a county which has reorganized its county library system pursuant to any of the three options provided in this bill shall be exempt from the so called "cap" provisions of P. L. 1976, c. 68 for a period of 2 years. In the third calendar year following reorganization any such revenues shall be considered a part of the county tax levy and as such subject to the provisions of that law. The purpose of this provision is to allow a county which has reorganized its library system to adjust to any changes produced by the reorganization.

This bill is one of a series designed to improve library services at all levels in New Jersey, and to revise and modernize the statutes which apply to this State's libraries. Many of the provisions of the bill were suggested in *The Development of Libraries and Networks*, a report issued by the County and Municipal Government Study Commission, and by the Statewide Planning Group created by the State Library to assess library services and organization.

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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3010

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with Assembly committee amendment

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STATE OF NEW JERSEY

DATED: NOVEMBER 30, 1981

PROVISIONS:

As amended, this bill permits the reorganization of the county library system under any of four options as described below. Reorganization is permissible, not mandatory. Under the bill, a county could choose to establish a county library study commission to evaluate the county system. The recommendation of the study commission would have to be submitted by referendum to the voters of the county.

FISCAL IMPLICATIONS:

As amended, there are no costs to the State associated with this legislation.

COMMITTEE AMENDMENTS:

The Committee amended the bill to eliminate the provision for State financial assistance to a county library in the first year after it adopted the "tax base sharing option" for reorganization. (p. 6, sec. 8, lines 101-116)

Instead, it provides that the governing body of the county may provide an amount for initial costs of up to 10% above the appropriation made in the calendar year prior to reorganization. This amendment was in response to a suggestion from the Association of County Library Directors, who felt that the local authorities should make the determination of the appropriate level of funding.

The other amendment is purely technical in nature.

BACKGROUND:

This bill is one of a series designed to improve library services at all levels in New Jersey, and to revise and modernize the statutes which apply to this State's libraries. Many of the provisions of the bill were suggested in *The Development of Libraries and Networks*, a report issued by the County and Municipal Government Study Commission, and by the Statewide Planning Group created by the State Library to assess library services and organization.

## DETAILED ANALYSIS:

The purpose of this bill is to improve county and municipal library service by permitting localities to reorganize their county library systems. The bill permits a county, either by ordinance or resolution of the governing body or by the filing of a petition signed by 10% of the county's registered voters, to establish a county library study commission to evaluate the county library system. The commission, to be appointed by the governing body and composed of residents of the county and members of library boards, is required to file a report within 1 year of its creation. The bill authorizes a commission to recommend one of the three reorganization options provided in the act or to leave the existing county library system unchanged. The voters of a county shall, by referendum, accept or reject any reorganization option suggested by a county library study commission.

The bill establishes the following reorganization options for a county library system:

a. "The Branch Development Option," which would require the county library to open a branch library in each municipality that is a member of the county library system prior to the reorganization of that system. Any such branch library must be approved by the municipal governing body. The county library may open a joint branch library for any two or more adjacent municipalities upon its determination that a joint branch would provide more effective services and upon the approval of the governing bodies of each municipality to be served by the joint branch. Any municipality which approves the establishment of a branch library or a joint branch library shall remain a member of the county library system for at least 5 years following the reorganization of the system. The county library shall have all branches in operation within 3 years of the reorganization of the county library system.

b. "The Service Contract Option" which would permit the county library to offer a contract to any municipality named in the report of the county library study commission for the provision of staff and materials at a level sufficient to insure compliance with State standards for library service in such municipalities.

c. "The Tax Base Sharing Option," which would allow a county governing body to provide funding for the county library system and for the libraries of municipalities not in the system with money from general county revenues. The current law enables a county to fund only the county library and establishes a specific tax for this purpose. If adopted by the county, this option would enable the governing body to determine the amount of money to be devoted for library purposes. The bill stipulates, however, that funding for the reorganized county

library system can not be less than the amount of money raised for county library purposes in the year preceding the reorganization of the county library system. The option provides a formula for the distribution of funds raised for library purposes between the county library system and the libraries of municipalities not in the system.

The tax base sharing option also contains special provisions for the funding of the county library system during the first year of reorganization and it requires municipalities whose libraries receive money from the county to continue funding such institutions. Any county library tax authorized in chapter 33 of Title 40 of the Revised Statutes is no longer applicable in a county which has reorganized pursuant to this option.

All revenues raised for library purposes by a county which has reorganized its county library system pursuant to any of the three options provided in this bill shall be exempt from the so called "cap" provisions of P. L. 1976, c. 68 for a period of 2 years. In the third calendar year following reorganization any such revenues shall be considered a part of the county tax levy and as such subject to the provisions of that law. The purpose of this provision is to allow a county which has reorganized its library system to adjust to any changes produced by the reorganization.

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SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 3010**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 19, 1981

PROVISIONS:

This bill permits the reorganization of the county library system under any of four options as described below. Reorganization is permissible, not mandatory. Under the bill, a county could choose to establish a county library study commission to evaluate the county system. The recommendation of the study commission would have to be submitted by referendum to the voters of the county.

FISCAL IMPLICATIONS:

As amended, there are no costs to the State associated with this legislation.

COMMITTEE AMENDMENTS:

The committee amended the bill to eliminate the provision for State financial assistance to a county library in the first year after it adopted the "tax base sharing option" for reorganization. (p. 6, sec. 8, lines 101-116)

Instead, it provides that the governing body of the county may provide an amount for initial costs of up to 10% above the appropriation made in the calendar year prior to reorganization. This amendment was in response to a suggestion from the Association of County Library Directors, who felt that the local authorities should make the determination of the appropriate level of funding.

The other amendment is purely technical in nature.

BACKGROUND:

This bill is one of a series designed to improve library services at all levels in New Jersey, and to revise and modernize the statutes which apply to this State's libraries. Many of the provisions of the bill were suggested in *The Development of Libraries and Networks*, a report issued by the County and Municipal Government Study Commission, and by the Statewide Planning Group created by the State Library to assess library services and organization.

DETAILED ANALYSIS:

The purpose of this bill is to improve county and municipal library service by permitting localities to reorganize their county library systems. The bill permits a county, either by ordinance or resolution of the governing body or by the filing of a petition signed by 10% of the county's registered voters, to establish a county library study commission to evaluate the county library system. The commission, to be appointed by the governing body and composed of residents of the county and members of library boards, is required to file a report within 1 year of its creation. The bill authorizes a commission to recommend one of the three reorganization options provided in the act or to leave the existing county library system unchanged. The voters of a county shall, by referendum, accept or reject any reorganization option suggested by a county library study commission.

The bill establishes the following reorganization options for a county library system:

a. "The Branch Development Option," which would require the county library to open a branch library in each municipality that is a member of the county library system prior to the reorganization of that system. Any such branch library must be approved by the municipal governing body. The county library may open a joint branch library for any two or more adjacent municipalities upon its determination that a joint branch would provide more effective services and upon the approval of the governing bodies of each municipality to be served by the joint branch. Any municipality which approves the establishment of a branch library or a joint branch library shall remain a member of the county library system for at least 5 years following the reorganization of the system. The county library shall have all branches in operation within 3 years of the reorganization of the county library system.

b. "The Service Contract Option" which would permit the county library to offer a contract to any municipality named in the report of the county library study commission for the provision of staff and materials at a level sufficient to insure compliance with State standards for library service in such municipalities.

c. "The Tax Base Sharing Option," which would allow a county governing body to provide funding for the county library system and for the libraries of municipalities not in the system with money from general county revenues. The current law enables a county to fund only the county library and establishes a specific tax for this purpose. If adopted by the county, this option would enable the governing body to determine the amount of money to be devoted for library purposes. The bill stipulates, however, that funding for the reorganized county

library system can not be less than the amount of money raised for county library purposes in the year preceding the reorganization of the county library system. The option provides a formula for the distribution of funds raised for library purposes between the county library system and the libraries of municipalities not in the system.

The tax base sharing option also contains special provisions for the funding of the county library system during the first year of reorganization and it requires municipalities whose libraries receive money from the county to continue funding such institutions. Any county library tax authorized in chapter 33 of Title 40 of the Revised Statutes is no longer applicable in a county which has reorganized pursuant to this option.

All revenues raised for library purposes by a county which has reorganized its county library system pursuant to any of the three options provided in this bill shall be exempt from the so-called "cap" provisions of P. L. 1976, c. 68 for a period of 2 years. In the third calendar year following reorganization any such revenues shall be considered a part of the county tax levy and as such subject to the provisions of that law. The purpose of this provision is to allow a county which has reorganized its library system to adjust to any changes produced by the reorganization.

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LEGISLATIVE FISCAL ESTIMATE TO

**SENATE, No. 3010**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: APRIL 27, 1981

The Official Copy Reprint of Senate Bill No. 3010 of 1981 permits the reorganization of county library systems under one of four options following recommendation by a county library study commission and approval in a county-wide referendum.

“This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.”

The Office of Legislative Services states that the Senate Education Committee amended the bill to delete provisions for State financial assistance to county libraries in the first year following approval of one library reorganization option.

As the bill is permissive, rather than mandatory, there are no costs associated. However, there are cost implications to each of the options available for selection.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.