

40:33-15 to 40:33-23 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:33-15 to 40:33-23 et al.

Laws of 1977 Chapter 300 (Morris County Library -- Financial Restructuring).

Bill No. S3068

Sponsor(s) Vreeland, Bateman & McDonough

Date Introduced February 1, 1977

Committee: Assembly County Government
Senate County & Municipal Government; Education

Amended during passage Yes No Amendments during passage denoted by asterisks.

Date of passage: Assembly Oct. 3, 1977

Senate Nov. 21, 1977

Date of approval December 16, 1977

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note XXX No

Veto message XXX No

Message on signing XXX No

Following were printed:

Reports XXX No

Hearings Yes No

974.90 New Jersey. Legislature. Senate. Education Committee.
L694 Public hearing before Senate
1977b Education Committee on S.3068.
Held April 27, 1977.

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SENATE, No. 3068

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1977

By Senators VREELAND, BATEMAN and McDONOUGH

Referred to Committee on County and Municipal Government

AN ACT concerning free county libraries **in certain counties and State aid therefor, amending N. J. S. 18A:74-3** 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. Notwithstanding the provisions of any other law, the board of
2 chosen freeholders of any county having a population of not less
3 than 350,000 nor more than 450,000 according to the 1970 Federal
4 census ***[**may, by resolution to be effective January 1 next after its
5 adoption, establish or provide a free county library or free county
6 library services for the use of all the residents and inhabitants of
7 the county, and to raise and appropriate moneys therefor in the
8 same manner as moneys are raised and appropriated for other
9 county purposes pursuant to the Local Budget Law (N. J. S.
10 40A:4-1 et seq.). Said resolution shall prescribe the terms and
11 conditions which the board considers necessary and reasonable
12 to provide the free county library or free county library services.**]***
13 **which has established a free county library under chapter 33 of*
14 *Title 40 of the Revised Statutes ****[shall]** **may**, by resolution***
15 *to be effective January 1, 1978, reorganize the free county library*
16 *pursuant to the provisions of this act in order to provide library*
17 *services for the use of all residents and inhabitants of the county.**

1 ***[**2. Any free county library which exists pursuant to R. S.
2 40:33-9 at the time a resolution is adopted pursuant to section 1
3 of this act shall continue to exist under the terms and conditions
4 of the resolution and with the moneys appropriated as in this act
5 provided. For the purpose of calculating and claiming State Aid,
6 such moneys so raised and appropriated shall be separately

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

7 calculated in the manner provided in the State Library Aid Law
 8 (N. J. S. 18A:74-1 et seq.). Funds appropriated pursuant to this
 9 act shall be considered to be mandated expenditures for the purpose
 10 of calculating budgetary limitations imposed by P. L. 1976, c. 68,
 11 s. 4 (C. 40A:4-45.4).]”

1 *2. (New section) *As used in this act:*

2 a. *“First level services” means services provided by a free*
 3 *county library which are coextensive with those provided by free*
 4 *public libraries established pursuant to chapter 54 of Title 40 of*
 5 *the Revised Statutes which may include but are not limited to*
 6 *over-the-counter borrowing, story-telling and bookmobile pro-*
 7 *grams; and, in addition, the following services provided by the*
 8 *free county library to local libraries: material acquisition and*
 9 *processing, book allowances and book rental services.*

10 b. *“Second level services” means specialized services provided*
 11 *to all residents of a county by the free county library which supple-*
 12 *ment services provided by free public libraries and services pro-*
 13 *vided by a free county library to all public libraries, school libraries,*
 14 *industrial, commercial and other special libraries in the county*
 15 *which are designed to assist and strengthen such libraries. Second*
 16 *level services shall include but not be limited to inter-library loan,*
 17 *in-library use of materials, reference and reading guidance, pro-*
 18 *vision of photocopy at cost, compilation and publication of a union*
 19 *list of periodicals and the coordination of cooperative countywide*
 20 *services.*

1 3. (New section) *The “county library commission” in such*
 2 *counties shall consist of seven members. On or before the effective*
 3 *date of such reorganization, the board of chosen freeholders shall*
 4 *appoint the two additional members to the commission, for terms*
 5 *of 4 and 5 years respectively, who are residents of municipalities*
 6 *which only receive second level services from the county library,*
 7 *one of whom who has previously served as a trustee of a free*
 8 *public library. All future appointments to the commission shall*
 9 *be made for terms of 5 years, except for appointments to fill va-*
 10 *cancies occurring on the commission which shall be filled for the*
 11 *unexpired term only. All future appointments **[shadl]***
 12 ***shall** be made in such a manner as to maintain at least **[three*
 13 *members who are residents of municipalities which only receive*
 14 *second level services from the free county library and at least three*
 15 *members who have previously served as trustees of a local public*
 16 *library]** **one director, or his designee, from a municipal free*
 17 *public library or joint library which receives only second level*

9 maintains a free public library and receives first level services
10 from the free county library may, by resolution, notify the county
11 library commission of such county that it will withdraw from par-
12 ticipation in the first level services of the free county library to
13 be effective January 1 of the following year. On or before Septem-
14 ber 30 of the second year following the reorganization of the free
15 county library pursuant to the provisions of this act, and every
16 third year thereafter, the governing body of any municipality which
17 maintains a free public library, receives first level services from
18 the free county library and is in the first third of an alphabetical
19 list of the municipalities in the county may, by resolution, notify
20 the county library commission of such county that it will withdraw
21 from participation in first level services of the free county library
22 to be effective January 1 of the following year. On or before Sep-
23 tember 30 of the third year following the reorganization of the
24 free county library pursuant to the provisions of this act, and
25 every third year thereafter, the governing body of any municipality
26 which maintains a free public library, receives first level services
27 from the free county library and is in the second third of an alpha-
28 betical list of the municipaliteis in the county may, by resolution,
29 notify the county library commission of such county that it will
30 withdraw from participation in first level services of the free
31 county library to be effective January 1 of the following year. On
32 or before September 30 of the fourth year following the reorgani-
33 zation of the free county library pursuant to the provisions of this
34 act, and every third year thereafter, the governing body of any
35 municipality which maintains a free public library, receives first
36 level services from the free county library and is in the remaining
37 third of an alphabetical list of the municipalities in the county may,
38 by resolution, notify the county library commission of such county
39 that it will withdraw from participation in first level services of
40 the free county library to be effective January 1 of the following
41 year. The governing body of any municipality **[which withdraws
42 from participation in first level services of the free county library
43 after the effective date of this act may, by resolution on or before
44 September 30, notify the county library commission that it will
45 receive and support first level services to be effective January 1
46 of the following year. Commencing in September of the fifth year
47 following the reorganization of the free county library pursuant
48 to the provisions of this act, and every year thereafter, the gov-
49 erning body of any municipality which did not receive benefits from
50 the free county library in the year prior to such reorganization

18 services from the free county library, one member, or his designee,
 19 of the governing body of a municipality which receives only second
 20 level services from the free county library, a trustee of a municipal
 21 free library which receives only second level services from the free
 22 county library, and three members who are residents of municipi-
 23 palities which receive first level services from the free county
 24 library**.

1 4. (New section) The county library commission in such coun-
 2 ties shall annually, not later than November 1, propose to the
 3 board of chosen freeholders the total sum required for the opera-
 4 tion of the library for the ensuing calendar year and identify that
 5 part of the total sum which will be used for second level services.

1 5. (New section) Following the passage of a resolution to re-
 2 organize the free county library pursuant to the provisions of this
 3 act and annually thereafter, the board of chosen freeholders shall
 4 determine a sum sufficient for the maintenance of first and second
 5 level services at the county library. The sum to be raised for first
 6 level services shall be certified by the board of chosen freeholders
 7 to the county board of taxation, which shall apportion such amount
 8 among the municipalities receiving first level services.

9 The amount thus apportioned to each municipality for first level
 10 services shall be assessed, levied and collected in the same manner
 11 and at the same time as other county taxes are assessed, levied
 12 and collected therein. The sum to be raised and appropriated for
 13 second level services shall be raised and appropriated by the board
 14 of chosen freeholders in the same manner as moneys are raised
 15 and appropriated for other county purposes pursuant to the Local
 16 Budget Law (N. J. S. 40A:4-1 et seq.), provided, however, that
 17 such appropriation shall not be greater than the difference between
 18 the total State aid that the county library receives in the prebudget
 19 year pursuant to **[the State Library Aid Law (N. J. S. 18A:74-1
 20 et seq.)]** **N. J. S. 18A:74-4** and the product of **[.0000841]**
 21 **.0000718** multiplied by the net valuation on which county taxes
 22 are apportioned for the prebudget year.

1 6. (New section) Municipalities receiving benefits from the free
 2 county library prior to the adoption of a resolution by the board
 3 of chosen freeholders to reorganize the free county library pur-
 4 suant to the provisions of this act shall continue to receive first
 5 and second level services from the free county library, except as
 6 provided below. On or before September 30 of the year following
 7 the reorganization of the free county library pursuant to the pro-
 8 visions of this act, the governing body of any municipality which

51 may, by resolution, notify the county library commission that it
 52 will receive and support first level services to be effective January
 53 1 of the following year.*** **may, by resolution, on or before
 54 September 30 in any year, except as otherwise specifically provided
 55 hereinafter, notify the county library commission that it will receive
 56 and support first level services to be effective January 1 of the
 57 following year. In the event any municipality is a party to a joint
 58 library agreement pursuant to Article 2 of chapter 54 of Title 40
 59 of the Revised Statutes in the year prior to the reorganization of
 60 the free county library, such notification may be given in the first
 61 4 years following said reorganization only if the governing body
 62 of the other municipality party to such agreement consents thereto,
 63 or upon the condition that such agreement shall remain in force
 64 for the said 4 years. In the event that any municipality is a party
 65 to a contract for full library services with another municipality
 66 in the year prior to the reorganization of the free county library,
 67 such notification may be given in the first 4 years following said
 68 reorganization only if the governing body of the other municipality
 69 party to such agreement consents thereto, or if the municipality
 70 providing library services pursuant to the agreement is unwilling
 71 to renew the agreement for the next year for an amount less than
 72 5% above the amount provided for in the current agreement.**

1 7. (New section) Within 18 months following the reorganization
 2 of the free county library pursuant to this act, after consultation
 3 with all the **[librarians]** **libraries** in the county, the county
 4 library commission shall submit a report to all the municipalities
 5 in the county which evaluates the effectiveness of the second level
 6 services provided by the free county library and indicates what
 7 action it will take to improve such services in the forthcoming year.

1 8. (New section) All free county libraries reorganized pursuant
 2 to the provisions of this act shall be governed by the provisions
 3 of article 1, chapter 33, Title 40 of the Revised Statutes insofar as
 4 they are not inconsistent with the provisions of this act.

1 9. (New section) In the first year in which a free county library
 2 is reorganized pursuant to the provisions of this act, the amount
 3 which the county tax levy is increased to fund second level services
 4 provided by the county library shall not be considered as part of
 5 the county tax levy for the purposes of calculating permissible
 6 expenditures for that year pursuant to P. L. 1976, c. 68
 7 (C. 40A:4-45.1 et seq.), however the amount which the county tax
 8 levy is so increased in that first year shall be considered as part
 9 of the county tax levy for the purposes of calculating permissible

10 expenditures pursuant to P. L. 1976, c. 68, for the following year
11 and every year thereafter.

1 10. N. J. S. 18A:74-3 is amended to read as follows:

2 18A:74-3. State funds shall be provided annually as follows:

3 a. Each municipality or county that supports, in whole or in
4 part, library service from municipal or county tax sources pursu-
5 ant to chapter 33 or 54 of Title 40 of the Revised Statutes shall
6 qualify for one of the following:

7 (1) \$0.25 per capita if its annual expenditure for library
8 services is less than $\frac{1}{8}$ mill per dollar upon the equalized
9 valuation;

10 (2) \$0.50 per capita if its annual expenditure for library
11 services is more than $\frac{1}{8}$ mill, but less than $\frac{1}{4}$ mill per dollar
12 upon equalized valuation;

13 (3) \$0.75 per capita if its annual expenditure for library
14 services is more than $\frac{1}{4}$ mill, but less than $\frac{1}{2}$ mill per dollar
15 upon equalized valuation;

16 (4) \$1.00 per capita if its annual expenditure for library
17 services is more than $\frac{1}{2}$ mill, but less than $\frac{1}{2}$ mill per dollar
18 upon equalized valuation;

19 (5) \$1.25 per capita if its annual expenditure for library
20 services is more than $\frac{1}{2}$ mill per dollar upon equalized valua-
21 tion;

22 provided, however, that payments hereunder to a municipality or
23 county shall not be less than the amount which such municipality
24 or county received in State library aid in the year preceding July
25 1, 1967, except that in no case shall payments under this section
26 exceed one-half of the annual expenditure for library services by
27 the municipality or the county, as the case may be.

28 b. For those municipalities which provide tax support for both
29 a local library and a county library, the per capita aid provided
30 for in subsection a. of this section shall be determined as follows:
31 the total expenditure for library service pursuant to chapters 33
32 and 54 of Title 40 of the Revised Statutes shall be used to determine
33 the scale of per capita aid. *In counties in which the free county*
34 *library has been reorganized pursuant to P. L. 197... , c. . . . (now*
35 *pending before the Legislature as Senate Bill No. 3068) the total*
36 *payment shall be made to the municipality, in all other counties*
37 *the [The] payment to the municipality and to the county, respec-*
38 *tively, shall be apportioned in the same ratio as each expenditure*
39 *bears to the total expenditure.**

1 ***[3.]*** *11.* This act shall take effect immediately.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3068

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 11, 1977

SPONSORS: Senators Vreeland, Bateman and McDonough

PROVISIONS:

This bill, as amended by the Senate Education Committee, would reorganize the free county library in Morris county in order to provide library services for the use of all residents and inhabitants of the county. If enacted, this legislation would make the following changes in the county library system:

a. Distinguish first and second level services which are provided by the free county library, provide for participation in primary services by municipalities which do not have a free public library or who choose to supplement such libraries and provide for participation in second level services by all municipalities in the county;

b. Provide for the level of support of such services by the board of chosen freeholders;

c. Increase the membership of the county library commission to seven members, require that three members be former trustees of a public library and provide for representation from communities which utilize each level of service;

d. Require the county library commission to evaluate the effectiveness of the second level services provided by the county library and submit a report to all the municipalities in the county which indicates what action it will take to improve such services in the forthcoming years;

e. Permit municipalities to retain their entire per capita State library aid.

BACKGROUND:

The present county library law, chapter 33 of Title 40 of the Revised Statutes, provides for the establishment and maintenance of free county libraries on the supposition that they will be primarily utilized by residents of municipalities which do not maintain a free public library. Consequently, participation in and support of the free county library is optional for municipalities which support a free public library while it is mandated for those which do not.

The present system of apportioning the cost of the operation of the free county library only among participating municipalities has created a fiscal crisis for the Morris county library. As the county developed from a rural to a suburban county, its library services expanded on both the county and municipal levels to meet the needs of a changing population. The county library doubled and tripled in size in order to keep pace with growing municipalities which had not yet established local library service and to continue to offer "second level" services to all municipalities within the county. Many municipalities simultaneously established their own public libraries and withdrew from participation and support of the county library. Thus, the county library has experienced increasing demands for service while its funding base has been shrinking.

For the past four years, the board of chosen freeholders has grappled with the fiscal problem of the county library. Study commissions have been formed and studies conducted which demonstrated that the county has provided a diverse range of services which are important to the residents of the county. Unfortunately, past proposals to fund the county library have failed to gain acceptance by the municipalities in the county.

COMMITTEE'S POSITION :

After holding a public hearing on the proposed legislation and carefully examining the implications of the alternatives, the Senate Education Committee has developed a compromise proposal. The proposal accounts for the diametrically opposing points of view within the county by recognizing the fact that some of the service provided by the county library are only utilized by a portion of the municipalities in the county, while other services are utilized by all residents of the county. The amended bill distinguishes between "first level" and "second level" services and provides that only municipalities without free public libraries or those which choose to utilize first level services support them, while all municipalities in the county support the second level services.

The committee believes that this legislation will benefit all libraries in the county by stabilizing library services and insuring that adequate provisions for primary library service will be made for municipalities as long as this is needed and develop a strong second level of library service for the county. The bill insures a stable transition from the old system to the new by restricting participation in first level service to those presently receiving such services for 5 years and by permitting withdrawal from first level services after 1 year and thereafter only on a staggered basis.

The committee anticipates that this legislation will be reviewed by the county and municipal government study commission in its task of formulating a plan leading to the development and funding of an improved system of inter-library cooperation for New Jersey.

FISCAL IMPLICATIONS:

No additional State support is required by this bill.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3068

STATE OF NEW JERSEY

DATED: OCTOBER 3, 1977

This bill, as amended by the Assembly County Government Committee, would enable the Morris County Board of Chosen Freeholders to reorganize the county library system if it elects to do so. If enacted, this legislation would permit the county to make the following changes in its library system:

- a. Distinguish between first level services, which include but are not limited to over-the-counter borrowing, story-telling, bookmobile programs and certain services provided by the free county library, to local libraries, and second level services, which include but are not limited to inter-library loan, in-library use of materials, reference and reading guidance, provision of photocopy at cost, compilation and publication of a union list of periodicals and coordination of cooperative countywide services;
- b. Create a mechanism whereby all municipalities in the county would be able to utilize the county library's second level services and provide a maximum amount which can be spent by the free county library for second level services;
- c. Increase the membership of the county library commission from five to seven members and provide balanced representation from all communities which utilize each level of service;
- d. Require the county library commission to evaluate the effectiveness and quality of the second level services provided by the free county library and submit a report of that evaluation to all municipalities in the county;
- e. Permit municipalities to retain their entire per capita State library aid;
- f. Insure that if the county chooses to reorganize its library system, the transition period will not adversely effect the quality of service provided by the free municipal libraries and the county library.

BACKGROUND :

For the past five years Morris County has attempted to devise an adequate method of funding its free county library system. In 1976 the Legislature was asked to resolve this situation. The present bill was introduced and substantially amended by the Senate Education Committee in an effort to arrive at a compromise which would be acceptable to all concerned parties. The Senate unanimously passed the amended bill.

COMMITTEE'S POSITION :

To ascertain the library community's views on the bill, the Assembly County Government Committee held three committee meetings. The committee, after a careful examination of all the evidence and testimony presented, believes that the county should be granted the right to fund the free county library from general revenues if it so chooses, but that any decision to do so must be made by the elected Board of Chosen Freeholders, representatives of the residents of Morris county. Consequently, it has amended the bill to permit the county to decide if it wants to reorganize its library system and tax all its citizens to fund second level services at the county library. While recognizing that existing legislation prohibited Morris County from taking such action, the committee believes that mandating such action would be an unwarranted intrusion into the internal affairs of a local unit.

The committee also made other amendments to the bill. These amendments reduce the maximum tax which the county can raise to fund second-level services at the county library and specify the composition of the county library commission to provide equal representation from all segments of the library community. The committee strongly believes these changes have produced a bill in which equity is achieved for all concerned parties.

The committee wishes to emphasize that this bill does not attempt to achieve a permanent solution to the problems of funding libraries in New Jersey or to suggest approaches for the future development of libraries in this State. The committee hopes that the County and Municipal Government Study Commission, which has been directed to undertake a study of library service in New Jersey, will carefully review this bill as it attempts to formulate a plan for the future of New Jersey's libraries.

STATEMENT

The purpose of this bill is to provide the opportunity to extend county library services to the entire county and to permit the continuous existence of the county library through countywide funding. The present system of funding county libraries coupled with the law permitting withdrawal from membership is threatening the very existence of the county library. Where the board of chosen freeholders determines that the county library should exist or should continue to exist, the bill would insure the existence of same and also would give the board the necessary power to prescribe the terms and conditions under which it would exist.