

# COUNTY LIBRARY REORGANIZATION LAW

**N.J.S.A.**

## **40:33-13.2d. Short title**

This act shall be known and may be cited as the "County Library Reorganization Law."

L.1981, c. 489, § 1.

**N.J.S.A.**

## **40:33-13.2e. County library study commission; establishment; petition; members; chairman; reimbursement of expenses**

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

- a. The commission shall be composed of nine members who shall be residents of the county and appointed by the governing body of the county. Of the nine members, six shall be private citizens representing different municipalities in the county, none of whom shall be employed by any library within the county which is funded in whole or in part by county or municipal funds, and none of whom shall be a member of the governing body of the county or of any municipality therein. Of the three remaining members, one shall be a member of the county library commission; one shall be a trustee of a public library of a municipality which is not a member of the county library system; and, one shall be a trustee of a public library of a municipality which is a member of the county library system.
- b. The county governing body shall designate the commission chairman from among the six private citizen members.
- c. Members of the commission shall serve without compensation, but shall be reimbursed, as hereinafter provided, by the county governing body for necessary expenses actually incurred in the performance of their duties under this act.

L.1981, c. 489, § 2.

**N.J.S.A.**

## **40:33-13.2f. County library commission; duties**

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

- a. A referendum be held to submit to the voters of the county the question as to whether or not the county library system shall be reorganized to conform to one of the options set forth in sections 6, 7, and 8 of this act;<sup>1</sup> or

b. The county library system remain unchanged.

L.1981, c. 489, § 3.

<sup>1</sup>Sections 40:33-13.2i to 40:33-13.2k.

**N.J.S.A.**

**40:33-13.2g. Offices; expenses; payment; employees, consultants and clerical staff; report of findings and recommendations; referendum question on reorganization of system**

a. The governing body of the county shall provide the county library study commission with such offices as may be necessary for the conduct of its business and shall make available such equipment and supplies as it may require.

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

c. The county library study commission may appoint such employees, consultants, and clerical staff as are necessary to carry out the provisions of this act within the limits of funds appropriated by the governing body of the county for this purpose, subject to such fiscal procedures as may be established by the governing body.

d. The county library study commission shall report its findings and recommendations to the county governing body within 1 calendar year following the date of its establishment and it shall be the responsibility of the governing body to make a copy of the commission's report available without cost to any member of the public requesting the same. If the county library study commission shall recommend the reorganization of the county library system as provided in section 8 of this act,<sup>1</sup> the county clerk shall cause a referendum question conforming with the requirements of section 5 of this act<sup>2</sup> to be placed on the ballot at the next general election occurring not less than 60 days following the clerk's receipt of notice of the commission's recommendations and the summary required to be prepared pursuant to section 5 this act. If the commission recommends that a county library system be reorganized pursuant to sections 6 and 7 of this act,<sup>3</sup> the county clerk shall cause a referendum question to appear only on the ballots in those municipalities to which the question is applicable at the next general election occurring not less than 60 days following the clerk's receipt of notice of the commission's recommendations.

L.1981, c. 489, § 4.

<sup>1</sup>Section 40:33-13.2k.

<sup>2</sup>Section 40:33-13.2h.

<sup>3</sup>Sections 40:33-13.2i, 40:33-13.2j.

**N.J.S.A.**

**40:33-13.2h. Question of reorganization; form on ballot; publication of report; vote necessary**

The question of the reorganization of the county library system shall be submitted to the voters in substantially the following form:

"Shall the county library system be reorganized pursuant to section...of the 'County Library Reorganization Law' (P.L. [1981] c. [489]) to implement the '..... Option,' as recommended by the ..... County Library Study Commission?"

Not more than 45 days prior to the general election the county clerk shall cause to have published in a newspaper generally circulating in the county a summary of the commission's report prepared by the commission and a notice of the time and place at which copies of the commission's report may be obtained without cost by any member of the public requesting the same.

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

L. 1981, c. 489, § 5.

**N.J.S.A.**

**40:33-13.2i. "Branch Development Option"**

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

a. The county library commission shall establish a branch of the county library in each municipality: (1) which is a member of the county library system upon the effective date of the reorganization of the system; and (2) in which the municipal governing body adopts a resolution approving the establishment of a branch library. The county library commission may establish a joint branch library for two or more adjacent municipalities upon its determination that the library needs of such municipalities could best be served by a joint branch library, and upon the adoption by the governing bodies of all municipalities to be served thereby of Joint resolutions, approving the establishment thereof. A branch library or a joint branch library established pursuant to this act shall conform to all standards promulgated by the State Library for branch libraries.

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

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

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

<sup>1</sup>Section 40:33-13.2h.

L.1981, c. 489, § 6. Amended by L.2001, c.137, § 47.

**N.J.S.A.**

**40:33-13.2j. "Service Contract Option"**

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

a. The county library commission shall offer a contract to any of the municipalities identified by the county library study commission in its report to provide such municipalities with sufficient staff and materials to insure compliance with standards promulgated by the State Librarian, with the approval of the President of Thomas Edison State College, for library service in those municipalities. Municipalities shall accept or reject such contracts by resolution of the governing body.

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

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

<sup>1</sup>Section 40:33-13.2h.

L.1981, c. 489, § 7. Amended by L.2001, c.137, § 48.

**N.J.S.A.**

**40:33-13.2k. "Tax Base Sharing Option"**

The option for reorganization of the county library system provided in this section shall be known as the "Tax Base Sharing Option," and shall be available only to any county in which revenues from the dedicated county library tax established pursuant to R. S.40:33-9 or P.L. 1977, c.300 (C.40:33-15 et seq.) have been derived from less than 75% of the total assessed property of the county in the calendar year prior to the establishment of the county library study commission. This option shall govern the county library system of any qualified county whose voters have adopted it pursuant to section 5 of this act.<sup>1</sup>

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

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

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

The local residual share (LRS) shall be distributed among those municipalities not members of the county library system on January 1, 1982. Each such municipality shall be apportioned an amount of those revenues in a proportion equal to the proportion which that municipality's apportionment valuation is of the apportionment valuation of all such municipalities. Any municipality receiving revenues from the tax base sharing option provided in this section shall appropriate those funds directly to the board of trustees of any library within its borders funded by the municipality in the calendar year prior to the reorganization of the county library system.

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

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

c. The county library shall receive State aid as provided in the "State Library Aid Law" (N.J.

S. 18A: 74-1 et seq.) based on expenditures from the total appropriation from the tax base sharing option made to the county library and the total resident population of the county. Any library located within a municipality not a member of the county library system shall receive State aid as provided in the "State Library Aid Law" based on expenditures from the total appropriation made to the library from the municipality and from the portion of the local residual share received by the municipality as provided in subsection a. of this section. Any municipality which is a member of the county library system and which supports a library shall receive State aid as provided in the "State Library Aid Law" based on the total appropriation made by the municipality for library purposes.

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

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

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

g. The county library study commission shall remain in existence for one calendar year after the effective date of such reorganization. It shall be the responsibility of the commission to evaluate the tax base sharing option and to determine if the appropriation for the county library system is sufficient to provide patron services to all residents of the county and that such services are in compliance with standards promulgated by the State Library for such libraries. The commission shall make a report of its findings to the county governing body within one calendar year of the reorganization of the county library system.

L.1981, c. 489, § 8. Amdnde by L.2001, c.137, § 49.

<sup>1</sup>Section 40:33-13.2h.

<sup>2</sup>Section 40:33-13.2j.

## **N.J.S.A.**

### **40:33-13.2l. County with tax base sharing option; exclusion of appropriations as county tax levy under Cap Law**

For the first 2 years following the reorganization of a county library system pursuant to section 8 of this act,<sup>1</sup> any appropriation made by the county governing body for library purposes shall not be included or considered a part of the county tax levy under section 4 of P.L. 1976, c. 68 (C. 40A:4-45.4). In the third calendar year following the reorganization of the county library system and every year thereafter any appropriation made by the county governing body for library purposes shall be considered a part of the county tax levy for the

purpose of calculating permissible expenditures.

L.1981, c. 489, § 9.

<sup>1</sup>Section 40:33-13.2k.

**N.J.S.A.**

**40:33-13.2m. Evaluation of county library system after rejection by voters or after reorganization; time interval after election**

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

b. Except as provided in subsection c. of this section, the governing body of any county which has adopted any of the options provided in this act may, by ordinance or resolution as appropriate, establish another county library study commission to evaluate the reorganized county library system. The governing body shall establish such a commission when it receives a petition signed by 10% of the registered voters of the county calling for the creation of a county library study commission. Any such commission shall be established and its members appointed as provided in section 2 of this act. The commission shall have the same powers and responsibilities as established in sections 3 and 4 of this act; except that, it may also recommend that any reorganized county library system be organized as provided in chapter 33 of Title 40 of the Revised Statutes. If the commission shall recommend the latter then the question to be submitted to the voters pursuant to section 5 of this act shall be in substantially the following form:

"Shall the county library system be reorganized pursuant to article 1 of chapter 33 of Title 40 of the Revised Statutes as recommended by ..... County Library Study Commission?"

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

L.1981, c. 489, § 10.

<sup>1</sup>Section 40:33-13.2h.

<sup>2</sup>Section 40:33-13.2e.

<sup>3</sup>Sections 40:33-13.2f, 40:33-13.2g.

**N.J.S.A.**

**40:33-13.2n. Rules and regulations**

The State Librarian, with the approval of the President of Thomas Edison State College is authorized to promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B- I et seq.), such rules and regulations as it deems necessary to effectuate the purposes of this act.

L.1981, c. 489, § 11. Amdnde by L.2001, c.137, § 50.

**NEW JERSEY ADMINISTRATIVE CODE**  
**TITLE 15. DEPARTMENT OF STATE**  
**CHAPTER 20**  
**PUBLIC, SCHOOL AND COLLEGE LIBRARIES**

**Authority**

N.J.S.A. 18A:1-1, 18A:4-15, 40:33-13.2s through 40:33 -13.2n.

**Source and Effective Date**

R. 1999 d. 167, effective June 7, 1999.

See: 31 N.J.R. 743 (a), 31 N. J. R. 1444 (a).

**Executive Order No. 66 (1978) Expiration Date**

Chapter 20, Public, School and College Libraries, expires on June 7, 2004

**SUBCHAPTER 2. COUNTY LIBRARY REORGANIZATION**

**N.J.A.C.**

**15:20-2.1 Scope and purpose**

The rules set forth in this subchapter provide for the implementation of three options for county library reorganization as provided in N.J.S.A. 40:33-13.2d et seq. The options for county library reorganization are designated as the "branch development option", the "service contract option" and the "tax base sharing option".

**N.J.A.C.**

**15:20-2.2 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Branch library" means an auxiliary outlet of a county library which has all of the following, but which is administered from a central unit:

1. Separate quarters from the central unit;
2. A permanent basic collection of library materials;
3. A permanent paid staff; and
4. A regular schedule for opening to the public.

"County library system" means a county library established pursuant to N.J.S.A. 40:33-1 et seq. Or N.J.S.A. 40:33-1.5 et seq.

"Joint branch library" means an auxiliary outlet of a county library serving two or more adjacent municipalities, funded primarily and administered totally by a county library commission.

"Library service" means, but is not limited to, acquisition and technical processing of materials, allocations for the purchase of print and nonprint materials, bulk loans of library materials, provision of public relations services, professional staffing, programming and consulting assistance.

"Member of a county library system" means a municipality providing financial support to a county library pursuant to N.J.S.A. 40:33-9 or a municipality receiving first level services pursuant to N.J.S.A. 40:33-1.5 et seq.

"Patron services" means circulation of library materials, reference assistance and public programs provided by a county library.

"Service contract" means an agreement for library services negotiated among a county library commission, the governing body of a county and the governing body of a municipality.

## **N.J.A.C..**

### **15:20-2.3 General provision**

(a) A county branch library and joint branch library must be under the full-time supervision of a paid certified professional librarians.

(b) There must be a library building adequate to house the collection with a separate meeting room and at least three readers' seats for every 1,000 population of its municipality or county, or the building may be rented.

(c) A county branch library and a county joint branch library must meet the quantitative State aid criteria for a public library serving the population of the municipality(ies) (see N.J.A.C. 15:21-2.4 to 2.6). Consideration will be given to an adjustment of these requirements if it can be shown that equivalent centralized services are provided.

(d) After the establishment of a county branch library or a joint branch library, the county library must submit annually to the State Librarian a report certifying that the branch library or joint branch library meets the standards enumerated in (a), (b) and (c) above.

(e) After the adoption of a service contract, the county library must submit annually to the State Librarian a copy of the service contract with a statement certifying that the services provided to a municipality are as specified in N.J.A.C. 15:21-24 to 2.6. The county library may request from the State Librarian a waiver from the requirements of N.J.A.C. 15:21-2.4 to 2.6 if it can established that equivalent centralized services are provided.

(f) After the adoption of the tax base sharing option, the county library must submit annually

to the State Librarian a report certifying that it complies with N.J.A.C. 15:21-2.4 to 2.6.

**N.J.A.C.**

**15:20-2.4 Appeal procedure**

Appeals from any action of the State Librarian regarding the rules in this subchapter may be requested, and opportunity given for an informal fair hearing before the State Librarian. In the event of an adverse decision after such informal hearing, a formal hearing may be requested pursuant to N.J.S.A. 18A:6-9 and Reorganization Plan No. 002-1996. Such hearings shall be governed by the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. And the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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