

# NEW JERSEY LIBRARY NETWORK LAW

## TITLE 18A. EDUCATION

### CHAPTER 73. DIVISION OF THE STATE LIBRARY, ARCHIVES AND HISTORY AND DIVISION OF THE STATE MUSEUM

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

#### **18A:73-35a. Short title**

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

L.1983, c. 486, § 1.

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

#### **18A:73-35b. Findings, declarations concerning a Statewide library network.**

The Legislature finds and declares that promoting cooperation among the various types of libraries in New Jersey will provide this State's residents with full and equal access to library materials and programs not currently available within their communities; that increased cooperation and access will help control the cost of maintaining local libraries, while providing for improved services; that establishing a library network can best be accomplished by assisting libraries to form cooperatives on a regional basis and by having the State Library promote, coordinate and fund such cooperative efforts, as well as provide and coordinate library services on a Statewide basis.

L.1983, c.486, Amended by L.1986, c. 174, § 1. Amended by L.2001, c. 137, § 13.

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

#### **18A:73-35c. Definitions relative to the library network**

As used in this act:

- a. "President" means the President of Thomas Edison State College or the designee thereof,
- b. "State Library" means the State's research library and depository for State and federal documents affiliated with Thomas Edison State College;
- c. "Library" means any library eligible for advisory service from the State Library as provided in subsection d. of section 20 of P.L.1969, c.158 (C.18A:73-35); any county audiovisual aids center established pursuant to N.J. S. 18A: 5 1 -1 et seq.; and any educational information and resource center established pursuant to P.L. 1983, c.486 (C. 18A:73-35a et seq.);
- d. "Library region" means a geographic area designated by the State Librarian pursuant to this act within which libraries may establish a regional library cooperative;

e. "Library network" means all libraries in all regional library cooperatives, the State Library, and any library providing services to other libraries; and

f. "Regional library cooperative" means a membership organization of libraries within a library region which has agreed to provide and receive cooperative library services.

L.1983, c. 486, § 3. Amended by L.2001, c. 137, § 14.

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

**18A:73-35d. Additional duties concerning the network**

In addition to the duties prescribed in section 20 of P.L.1969, c.158 (C.18A:73-35), the State Library shall establish, organize, supervise and fund the library network, as well as provide library services on a regional as well as a Statewide basis. To effectuate the purposes of this act, the State Library shall:

- a. establish library regions to encompass all of the State's territory;
- b. provide for the creation, structure, funding, and governance of a regional library cooperative for each library region;
- c. enter into contracts with any library or serviceproviding agency to provide cooperative library services to any members of the library network;
- d. determine the kinds of cooperative services to be provided and received by members of the network;and
- e. provide direct services to members of the network, on a regional as well as a Statewide basis.

L.1983, c. 486, § 4. Amended by L.1986, c. 174, § 2. Amended by L.2001, c. 137, § 15.

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

**18A:73-35e. Cooperative library services; agreements; incorporation as nonprofit corporations**

Any library eligible for participation in the library network is authorized to enter into agreements with other such libraries to provide and receive cooperative library services on a regional as well as Statewide basis. Libraries entering into an agreement pursuant to this act shall form an organization which may incorporate as a nonprofit corporation for the purposes of providing and receiving cooperative services on a regional as well as Statewide basis.

L.1983, c. 486, § 5. Amended by L.1986, c. 174, § 3.

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

**18A:73-35f. State funding restriction**

To provide an efficient and effective library network in accordance with objectives of this act, no regional library cooperative or any library with which the State Library contracts to provide cooperative services on a regional as well as a Statewide basis to the library network shall participate in any apportionment of State funds pursuant to this act unless it operates in compliance with the rules and regulations which have been, or may be, prescribed by law or

promulgated by the State Librarian with the approval of the President of Thomas Edison State College.

L.1983, c. 486, § 8. Amended by L.1986, c. 174, § 4. Amended by L.2001, c. 137, § 16.

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

**18A:73-35g. Budget estimates**

On or before November 15 in each year, the State Librarian, with the approval of the President, shall estimate the amount necessary to be appropriated to carry out the provisions of this act for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each regional library cooperative or library with which the State Library contracts to provide cooperative service to the library network for that year and the amount necessary for supplemental library services provided directly. The amount requested for direct services shall not exceed 20% of the total amount appropriated. The State Librarian shall make such determination for budget purposes upon the basis of appropriations for library network purposes made by the Legislature in the current calendar year.

On or before September 15 of each succeeding year, the State Librarian shall make a final determination of the payments to be made under this act.

L.1983, c. 486, § 9. Amended by L.1986, c. 174, § 5. Amended by L.2001, c. 137, § 17.

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

**18A:73-35g1. Funding of library network**

Notwithstanding the provisions of any other law to the contrary, all funds previously appropriated to fund area libraries pursuant to N.J.S.18A:74-4 and research library centers pursuant to N.J. S. 18A:74-5 are appropriated to the State Library, for the purpose of funding the library network.

In succeeding fiscal years the State Librarian shall make the budget determinations required by section 9 of P.L. 1983, c.486 (C. 18A:73-35g), based on previous appropriations for library network purposes, which shall include the transfer of area library and research library center appropriations made pursuant to this section.

L.1986, c. 174, § 8. Amended by L.2001, c. 137, § 18.

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

**18A:73-35h. Payments**

The sums payable pursuant to this act shall be payable on October 1 following the final determination in each year. Payments shall be made by Thomas Edison State College. Payment shall be made to the receiving officer designated by each regional library cooperative, each library with which the division contracts to provide cooperative service to the library network and to the State library for the cost of providing direct Statewide library services to the library network.

L.1983, c. 486, § 10. Amended by L. 1986, c. 174, § 6. Amended by L.2001, c. 137, § 19.

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

**18A:73-35i. Rules, regulations**

The State Librarian may, with the approval of the President, promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), such rules and regulations as it deems necessary to effectuate the purposes of this act.

L.1983, c. 486, § 11. Amended by L.2001, c. 137, § 20.

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

**18A:73-35j. Appropriations**

There shall be appropriated in the first fiscal year following the receipt by the Legislature of the first annual report and in each fiscal year thereafter following the receipt by the Legislature of each subsequent annual report required pursuant to section 6 of P.L. 1983, c.486 (C.18A:73-33.1), such sums as maybe necessary for the operations of the library network. If the sums appropriated at any time are insufficient to carry out in full the provisions of this act, the President, with the approval of the Thomas Edison State College Board of Trustees, shall allocate such sums on a pro rata basis. A sum not to exceed 1% of such total or supplemental appropriation for the purposes of this act may be allocated for the administrative cost thereof.

L.1983, c. 486, § 12. Amended by L.2001, c. 137, § 21.

## **NEW JERSEY ADMINISTRATIVE CODE**

### **TITLE 15. DEPARTMENT OF STATE**

#### **CHAPTER 22. LIBRARY NETWORK SERVICES**

##### **SUBCHAPTER 1. GENERAL PROVISIONS**

###### **Authority**

N.J.S.A. 18A:4-14,18A:74-3.3, 18A:74-6, 18A:74-10; Reorganization Plan No. 002-1996.

###### **Source and Effective Date**

R.2001 d.21, effective December 13, 2000.

See: 32 N.J.R. 3911(a), 33 N.J.R. 268(b).

###### **Chapter Expiration Date**

Pursuant to Executive Order No. 66 (1978), Chapter 22, Library Network Services, expires on December 13, 2005.

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

**15:22-1.1. Scope and purpose**

The rules set forth in this chapter provide for the establishment and designation of regions and regional library cooperatives designed to promote the cooperative use of services and materials of all types of libraries in the State through the provision of library services on a regional as well as a Statewide basis, pursuant to the provisions of P.L. 1983, c.486 (N.J.S.A. 18A:73-35a et seq.), known as the Library Network Law.

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

### **15:22-1.2. Definitions**

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

"Academic library" means a library within a publicly or privately supported institution of higher education.

"Council of members" means the voting representatives of the members of the regional library cooperative.

"Institutional library" means a library within an adult or juvenile residential facility or day training center, other than a public school, administered and substantially funded by State, county or municipal funds to carry out health, welfare, educational and correctional programs.

"Interlibrary loan" means a transaction between libraries, a form of resource sharing by which one library's collection is utilized by another library in response to a mediated request for a specific item on behalf of its users. The original or a copy of the item may be provided.

"Lay representative" means a New Jersey resident who is not eligible for a certificate as a professional librarian, associate educational media specialist or educational media specialist and is not in the employ of any New Jersey library or library-related agency defined in this chapter. Members of library boards of trustees shall be considered lay representatives.

"Library materials" means print and nonprint items.

"Library network" means all libraries in all regional library cooperatives, the State Library, and any other libraries providing services to other libraries.

"Library region" means a multi-county area designated by the State Librarian as the geographic area within which libraries may establish a regional library cooperative.

"Library-related agency" means a county audio-visual aids commission established under N.J.S.A. 18A:51; learning resource center; regional curriculum services unit; or any other nonprofit organization meeting the criteria for membership in the regional library cooperative in accordance with N.J.A.C. 15:22-1.5(b).

"Local library cooperative" means a group of academic libraries, institutional libraries, public libraries, school libraries, special libraries and library-related agencies, or any combination thereof, which is organized as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq. to provide cooperative or reciprocal library services.

"Multitype" means libraries of more than one type (academic, institutional, public, school and special) and library-related agencies.

"Public library" means a municipal, county, association, or joint library, which receives public funding.

"Reference service" means the response to user needs by either mediated question handling or non-mediated access to information. A mediated reference transaction involves the use, recommendation or instruction in the use of one or more information sources, or referral to such sources elsewhere, by a member of the reference/information staff. A non-mediated reference transaction is the use of on-site resources without the assistance of reference/information staff.

"Regional contract library" means a library, library-related agency, local library cooperative, or commercial vendor with which the regional library cooperative contracts for the purpose of providing regional library services.

"Regional library cooperative" means a membership organization of libraries and library-related agencies within a library region organized as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq. which has agreed to provide and receive cooperative service and which has been designated a regional library cooperative by the State Librarian.

"Residents" means persons residing, employed, attending school, or who own property in the library region.

"School district" means an operating school district as listed in the current New Jersey State Department of Education directory. For the purpose of this program, every school (public and nonpublic) located within a district so listed shall be considered a member of the district.

"School library" means a library/media center within any publicly or privately supported elementary or secondary school, or in any post-secondary vocational or technical school.

"Special library" means a library/information center of a business, a professional, scientific, or trade association, a government, hospital or other for-profit or nonprofit institution or organization which provides that organization with information, library materials, and technical bibliographic and research services.

"State contract library" means a library, library-related agency, local library cooperative, or commercial vendor with which the State Library contracts for the purpose of providing library services.

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

### **15:22-1.3. Designation of library regions**

(a) The State Librarian, with the approval of the State Board of Education, shall designate no more than seven library regions within the State. No county shall be divided among two or more library regions. The library regions shall be established on the basis of, but not limited to, the following considerations:

1. Population;
2. Population density;
3. Number and types of libraries and library-related agencies;
4. Information resources;
5. Marketing and transportation patterns;
6. Contiguity of municipalities.

(b) The State Librarian shall review the designated library regions at least every five years and make revisions if appropriate.

(c) Voting members of a regional library cooperative located within the same county may request that the county be transferred to a different library region when a majority of the members in that county vote for such a transfer.

(d) If a request for a transfer from one library region to another has been denied, the appeals and hearing process as specified in N.J.A.C. 15:22-1.18 shall be followed.

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

##### **15:22-1.4. Regional library cooperative; formation**

(a) Upon approval by the State Librarian of the plan for service and the plan and budget for the first year of operation of the regional library cooperative, the State Librarian shall establish and designate the regional library cooperative.

1. Each duly established and designated regional library cooperative shall be eligible for an initial appropriation to fund the first year of operation of the regional library cooperative, in accordance with a plan and budget submitted to, and approved by the State Librarian.
2. Applicants whose request to be designated as a regional library cooperative has been denied may proceed with the appeals and hearing process described in N.J.A.C. 15:22-1.18.

(b) The established and designated regional library cooperative shall constitute a council of members and shall be incorporated as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq. The council of members shall organize, elect an executive board, and adopt bylaws within six months.

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

##### **15:22-1.5. Regional library cooperative: organization and membership**

(a) All members of a regional library cooperative are members of the New Jersey Library Network and shall be eligible to receive and participate in the regional and Statewide services of the Network.

(b) To be eligible to become a member of a regional library cooperative, a library or library-related agency shall have explicit service objectives, a fixed location and regular hours of service, an organized collection of information and materials accessible for use by

its designated clientele, and qualified and responsible staff. Its organizational structure shall be identifiable with a legal basis for operation and an established funding pattern. It shall be willing and able to contribute to the appropriate services and programs as determined by the regional library cooperative, and mutually agreed upon.

(c) The board of governance or the appropriate administrative authority for each eligible library and library-related agency that wishes to become a member of the regional library cooperative shall take official action as specified by the State Librarian to join the regional library cooperative.

(d) The executive board of the regional library cooperative shall review each application for membership in the regional library cooperative and shall take official action by approving or disapproving membership. If an application for membership is disapproved by the executive board, the appeals and hearing process as specified in N.J.A.C. 15:22-1.18 shall be followed.

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

### **15:22-1.6. Voting**

(a) Each academic library, institutional library, public library, special library, and each library-related agency which is a member of a regional library cooperative shall have one vote in the council of members except as specified in (a)1 and 2 below. The voting representative shall be appointed by the board of governance or the appropriate administrative authority of the library or library-related agency.

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1. The academic libraries which are members of a regional library cooperative and are located on a single campus shall have one vote in the council of members. The board of governance or the appropriate administrative authority for the campus shall appoint one voting member to the council of members.
2. The institutional libraries which are members of the regional library cooperative and which are part of a single institution shall have one vote in the council of members. The board of governance or the appropriate administrative authority for each institution shall appoint one voting member to the council of members.

(b) The public school libraries which are members of a regional library cooperative and are located within a single operating public school district shall be considered a single entity and shall have one vote in the council of members. They shall elect one voting representative from among themselves, whose appointment shall be subject to the approval of the chief school administrator and the district board of education.

(c) The private and parochial school libraries which are members of a regional library cooperative and are located within a single operating public school district shall be considered a single entity and shall have one vote in the council of members. They shall elect one voting representative from among themselves.

[Library Network Services Regulations \(continued\)](#)

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