

# NEW JERSEY STATUTES ANNOTATED

## TITLE 18A. EDUCATION

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

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

**18A:73-26. Responsibility for administration of State Library.**

Thomas Edison State College shall be responsible for the administration of the State Library. The State Library shall be in, but not of, the Department of State.

L.1969, c.158 § 11; Amended by L.2001, c. 137, § 3.

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

**18A:73-27. State Library personnel**

The State Library shall consist of the State Librarian and an advisory council and such other personnel as the President of Thomas Edison State College may deem necessary for the efficient administration thereof.

L.1969, c. 158 § 12. Amended by L.2001, c. 137, § 4.

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

**18A:73-28. Advisory council**

There shall be within the State Library an advisory council which shall be designated as the Advisory Council of the State Library. Such advisory council shall consist of eight members. The President of Thomas Edison State College or the designee thereof shall serve as a member ex officio. The other seven members shall be appointed by the Governor by and with the advice and consent of the Senate for a term of five years, beginning on July 1, and ending June 30, except as hereinafter provided. Each member shall serve until his successor has been appointed and qualified. In case of a vacancy, however, occurring, the successor shall be appointed in like manner for the unexpired term only. The council shall meet at least 4 times a year. It shall frame and modify bylaws for its own government, and elect its chairman and other officers. Any member of the advisory council may be removed from office by the Governor for cause, upon notice and opportunity to be heard.

L.1969, c. 158, § 13 . Amended by L.2001, c. 137, § 5.

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

**18A:73-29. Joint meetings**

L.1969, c. 158, § 14. Repealed by L.2001, c.137, § 62.

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

**18A:73-30. Reimbursement to advisory council for expenses**

The members of the advisory council shall serve without compensation, but shall be reimbursed by Thomas Edison State College for necessary expenses incurred in the performance of their duties under this act. The expenses shall be paid from the direct State services portion of the annual appropriation for the State Library.

L.1969, c. 158, § 15. Amended by L.2001, c. 137, § 6.

N.J.S.A.

**18A:73-31. Duties of advisory council**

The advisory council shall give advice and make recommendations to:

- (a) The President of Thomas Edison State College with regard to the appointment of the State Librarian;
- (b) The President of Thomas Edison State College and the State Librarian with regard to
  1. The policies and operations of the State Library and the State's library program;
  2. The adoption, amendment or rescission of such rules and regulations as may be necessary for the implementation of this act;
  3. Minimum standards of library service;
  4. The apportionment of State aid to libraries;
  5. Contractual arrangements for library services to which the State Library is a party.

L.1969, c. 158, § 16. Amended by L.2001, c. 137, § 7.

N.J.S.A.

**18A:73-31.1. Additional duties of advisory council**

In addition to the duties prescribed in section 16 of P.L. 1969, c. 158 (C. 18A:73-31) the advisory council shall give advice and make recommendations regarding the policies, operations, and funding of the library network.

L.1983, c. 486, § 7.

N.J.S.A.

**18A:73-32. State Librarian; qualifications**

The State Librarian shall be a graduate of an accredited university or college and shall, prior to the appointment, have graduated from a school of library service accredited by the American Library Association, and have had at least 4 years of library experience in a responsible administrative capacity.

L. 1969, c.158, § 17. Amended by L.1977, c. 322, § 4. Amended by L.2001, c. 137, § 8.

N.J.S.A.

**18A:73-33. Position of State Librarian established, duties.**

The position of State Librarian is hereby established.

The President of Thomas Edison State College shall appoint the State Librarian. The State Librarian shall head the State Library and shall, with the approval and under the supervision of Thomas Edison State College:

- (a) Direct and administer the work of the library;
- (b) Administer all laws which are by their terms included under the Jurisdiction of the library;
- (c) Establish and organize the bureaus therein;
- (d) Allocate the duties to be performed by the personnel of the State Library and the bureaus established within the library;
- (e) Prescribe such rules and regulations, not inconsistent with law, as may be necessary to effectuate his powers and duties under this act;
- (f) Prescribe minimum standards of service for libraries in the State of New Jersey as may be necessary to effectuate the State Librarian's powers under the law.

L.1969, c. 158, § 18. Amended by L.2001, c. 137, § 9.

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

**18A:73-33.1. Annual report**

a. In addition to the duties prescribed in section 18 of P.L.1969, c.158 (C.18A:73-33), the State Librarian shall on or before October 31 of each year prepare an annual report on the activities of the library network for the preceding year. The report shall be transmitted to the President of Thomas Edison State College who, upon the approval of the report thereby, shall transmit it to the Governor, the Thomas Edison State College Board of Trustees and the Chairman of the State Government Committee, or successor committee, of each House of the Legislature. The report shall set forth a complete operating and financial statement covering the library network's operation during the preceding year.

b.(Deleted by amendment, P.L.2001, c.137).

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

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

**18A:73-34. Appointment of staff, compensation.**

a. The President of Thomas Edison State College or the designee thereof shall, with the advice of the State Librarian, appoint all professional staff in the library, and fix the compensation of all such persons thus appointed. The President of Thomas Edison State College or the designee thereof shall appoint such other personnel as that person may consider necessary for the efficient performance of the work of the library and fix their compensation. All persons thus appointed shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

b. For all purposes, the employees of the State Library shall be considered employees of Thomas Edison State College.

c. Thomas Edison State College shall maintain, in a manner acceptable to the Department of

Personnel, the personnel records of all employees and positions currently on staff and funded. All such records shall be subject to audit by the Department of Personnel.

d. The State shall be responsible for paying the entire employer contribution of the pension and benefits costs for the State Library employees whose salaries are funded from the direct State services portion of the annual appropriation for the State Library.

L.1969, c. 158, § 19. Amended by L.2001, c. 137, C 11.

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

**18A:73-35. Duties of State Library**

The State Library shall:

- (a) Maintain library resources and information services over a broad range of subjects which affect the educational, intellectual, cultural, economic and political life of the State;
- (b) Provide special library services for the legislative, executive and judicial branches of State Government, supplemental library service for New Jersey libraries and citizens and direct library service for the handicapped;
- (c) Purchase or otherwise acquire, and maintain a general collection of books, periodicals, newspapers, maps, slides, films and other library materials for the use of State and local governments, libraries, and the public generally; and exchange, discard, sell, or otherwise dispose of books and library materials as required within the purposes stated herein and all moneys to be secured from such sales shall be paid into the treasury to be used for the benefit of the State Library when appropriated to that purpose;
- (d) Maintain as part of the State Library, a general reference service; a legislative reference service; a law library service; a documents depository service; an archival service for New Jersey materials; a records management service for State and local governments; a deposit and exchange service for library materials; an interlibrary loan service; an advisory service for public libraries, school libraries, libraries of institutions of higher education, industrial, commercial and other special libraries, State department and agency libraries, and the libraries the State maintains within the institutions carrying out its health, welfare and correctional programs; and a library service for the handicapped; and provide such other services as may be required by law;
- (e) Preserve the records of the history of New Jersey through its official archives and other materials and promote interest and research in the history of the State;
- (f) Coordinate a Statewide system of libraries in New Jersey, and administer State and federal programs for the development of libraries, library facilities, library resources and library services in New Jersey, and require such reports as are necessary for the proper administration of its duties and for the gathering and publishing of annual and occasional statistics on libraries in the State;
- (g) Promote and demonstrate library service throughout the State, and study library problems and needs in New Jersey and make the resultant findings known generally.

L.1969, c. 158, § 20. Amended by L.2001, c. 137, § 12.

## **NOTE:**

Transfer of Bureau of Records Management Services and its functions, powers and duties pursuant to this section to Department of State, see Reorganization Plan under § 18A:73-26.

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

#### **18A:73-35.1. Purchases without advertisement for bids.**

The State Librarian may, within the limits of funds appropriated or otherwise made available to the State Library, purchase the following without advertising for bids: library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter, and audiovisual and other materials of a similar nature and necessary binding or rebinding of library materials.

L.1980, c. 149, § 1. Amended by L.2001, c. 137, § 22.

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

#### **18A:73-36. Publications from custodian of State House**

The State Librarian shall annually receive from the custodian of the State House for reference use and for deposit and exchange purposes not less than 75 bound copies and not less than 75 unbound copies of all pamphlet laws, compilations and similar publications, published by or under the authority of this State or the Legislature thereof, or of which the State has become a purchaser, and 75 bound copies each of the journals of the Senate and the minutes of the General Assembly.

L.1969, c. 158, § 21.

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

#### **18A:73-37. Informative materials accessible to legislature**

The State Librarian shall collect and keep up to date and readily accessible to the Legislature, and to other persons within proper regulations, such materials as will furnish the fullest information practicable pertaining to current or proposed legislation or any legislative or administrative problems, and he shall prepare and submit digests of such informative materials upon the request of any member or committee of the Legislature.

L.1969, c. 158, § 22.

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

#### **18A:73-38. Hours of operation of State Library**

The State Library shall be kept open during the normal working hours of State Government and at all times during which the Legislature and the courts of this State and of the United

States which sit at Trenton are in session, and at such other times as the State Librarian, with the approval of the President of Thomas Edison State College, shall prescribe.

L.1969, c. 158, § 23. Amended by L. 2001, c.137, § 23.

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

**18A:73-38.1 Certain buildings to remain State property, use of property.**

The State Library building located at 185 East State Street in Trenton, Mercer County, and the State Library for the Blind and Handicapped, located at 2300 Stuyvesant Avenue in Trenton, Mercer County, shall remain the property of the State of New Jersey. Each building shall be maintained by the Department of the Treasury and be entitled to all of the services provided to other State buildings in the Capitol Complex. Any additional costs incurred by the State Library for services at those buildings shall be paid by Thomas Edison State College from the direct State services portion of the annual appropriation for the State Library. The contents of the buildings, including but not limited to the furniture, equipment, State Library collection and library materials, shall be the property of the State of New Jersey, but shall be available to Thomas Edison State College for the use of the State Library and the employees thereof.

L.2001, c.137, § 59.

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

**18A:73-39. Application, acceptance of grants, funds**

The President of Thomas Edison State College may apply for and accept on behalf of the State of New Jersey and, through the State Library, administer for the State, any funds, books and library facilities applicable to public or school library purposes, granted or provided by the Federal Government, or any agency or officer thereof, under or pursuant to any Federal Law heretofore or hereafter enacted authorizing grants to the States for such purposes or for similar purposes.

L.1969, c. 158, § 24. Amended by L. 2001, c.137, § 24.

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

**18A:73-40. Designation of agency to carry out purpose of law**

In the event that under or pursuant to any such Federal law it is required that a State agency be designated to carry out the purpose of such law, including the administration or suspension of administration of any plan or program pursuant thereto, Thomas Edison State College shall be the sole agency in this State for carrying out such purposes. The Governor is hereby authorized to make such designation, and Thomas Edison State College is hereby empowered to act as the sole agency in this State for carrying out such purposes.

L.1969, c. 158, § 25. Amended by L. 2001, c.137, § 25.

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

**18A:73-41. Custody, use of federal funds**

Thomas Edison State College shall receive and provide for the proper custody of any funds granted by the Federal Government for such public or school library purposes, under or pursuant to any Federal law. All moneys so received shall be used exclusively for the purposes of any such law. Such moneys shall be expended in the same manner as any funds of the State are expended, upon vouchers certified or approved by the President of Thomas Edison State College or the duly authorized representative thereof, as provided by law.

Thomas Edison State College shall submit to the State Treasurer copies of any final financial status reports submitted to the federal government for grants or other funds received by the college.

L.1969, c. 158, § 26. Amended by L. 2001, c.137, § 26.

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

**18A:73-42. State librarian and personnel offices upon effective date continued**

L.1969, c. 158, § 27. Repealed by L.2001, c.137, § 62.

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

**18A:73-42.1 Rules for administration of State Library**

Unless provided for elsewhere to the contrary, the State Library, with the approval of the President of Thomas Edison State College, may promulgate, pursuant to the "Administrative Procedure Act," P.L. 1968, c.4 10 (C.52:14B- 1 et seq.), such rules as the State Librarian deems necessary for the administration of the State Library.

L.2001, c.137, § 58.

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

**18A:73-43. Legislative joint committee; review of library and programs; recommendations**

A joint committee of the Legislature shall be appointed which shall examine and review the library and its programs, particularly the legislative reference services, make recommendations for their development and improvement, and report to the Legislature.

L.1969, c. 158, § 28.

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

**18A:73-43.1. Definitions**

For the purposes of this act:

a. "Library" means a library maintained by any State or local governmental agency, school, college, or industrial, commercial or other special group, association or agency, whether public or private.

b. "Library record" means any document or record, however maintained, the primary purpose of which is to provide for control of the circulation or other public use of library materials.

L.1985, c. 172, § 1.

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

**18A:73-43.2. Confidentiality of library users' records**

Library records which contain the names or other personally identifying details regarding the users of libraries are confidential and shall not be disclosed except in the following circumstances:

- a. The records are necessary for the proper operation of the library;
- b. Disclosure is requested by the user; or
- c. Disclosure is required pursuant to a subpoena issued by a court or court order.

L.1985, c. 172, § 2.

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

**18A:73-43.3. Rules and regulations**

The State Librarian shall adopt pursuant to section 18 of P.L. 1969, c. 158 (C. 18A:73-33) and the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) rules and regulations necessary to effectuate the purposes of this act.

L.1985, c. 172, § 3.

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

**18A:73-43.4 Disbursement of funds appropriated for State Library to Thomas Edison State College**

- a. The State Treasurer shall disburse to Thomas Edison State College the amount of funds appropriated in the direct State services portion of the annual appropriation for the State Library. The funds shall be paid to the college in four equal installments beginning on July 1 of each year. Thomas Edison State College shall deposit all such funds into separate accounts to be used solely for State Library purposes.
- b. The State Treasurer shall disburse to Thomas Edison State College the amount of funds appropriated in the State aid portion of the annual appropriation for the State Library. The funds shall be paid to the college on a drawdown schedule to be prepared by Thomas Edison State College and approved by the Office of Management and Budget. Thomas Edison State College shall deposit all such funds into separate accounts to be used solely for State Library purposes.
- c. Each year, Thomas Edison State College shall prepare and submit to the Office of Management and Budget in the Department of the Treasury a proposed budget for the operation of the State Library during the following fiscal year at the same time that Thomas Edison State College prepares and submits to the Secretary of State for submission to Office of Management and Budget a proposed budget for the operation of the college during the following fiscal year.
- d. Funds disbursed to Thomas Edison State College for the operations of the State Library,

although maintained in separated accounts, shall be considered college funds for all purposes related to purchasing, including for the purposes of the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.).

e. Thomas Edison State College is authorized to accept donations on behalf of the State Library and those donated funds shall be maintained in separate accounts to be used solely for State Library purposes.

f. Thomas Edison State College shall be entitled to use, solely for State Library purposes, the interest income from any public or private fund established to support the programs and services of the State Library to the extent permitted by law and the terms of the fund.

g. Thomas Edison State College shall conduct an independent financial audit of the State Library accounts each year, including accounts that receive federal funds, and shall submit copies of the same to the Department of the Treasury, with the cost of such audits funded from the direct State services portion of the annual appropriation for the State Library.

h. Thomas Edison State College shall be responsible for the maintenance of all financial records that involve the operations of the State Library, including those records that relate to federal funds.

L.2001, c.137, § 60.

## **EDITORIAL NOTE**

This statute requires state agencies to provide multiple copies of their publications to the State Library.

# **TITLE 52. STATE GOVERNMENT**

## **CHAPTER 14. GENERAL PROVISIONS**

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

### **52:14-25.1. Annual or special reports; copies filed in State Library**

All State officers, departments and commissions or committees issuing annual reports or special reports required by law to be submitted to the Governor or to the Legislature of this State, where such reports are printed, mimeographed or otherwise mechanically reproduced, shall file with the New Jersey State Library for general reference use in said library and for exchange purposes at least 75 copies of each of such printed, mimeographed or otherwise mechanically reproduced reports, and in those cases where such reports are made in typewritten form and not subsequently printed, mimeographed or otherwise mechanically reproduced shall file in the State Library for general reference use at least one each of such typewritten reports.

As Amended, L.1957, c. 99, p. 194, § 1; L.1967, c. 162, § 1.

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

**52:14-25.2. Publications other than annual or special reports; copies filed in State Library**

State officers, departments, commissions or committees issuing from time to time serial or other publications of a general informational character other than annual or special reports, where such publications are printed, mimeographed or otherwise mechanically reproduced for public distribution, shall file in the State Library for permanent reference use and for exchange purposes at least 75 copies of each of such publications, and in those cases where such serials or other publications are not printed, mimeographed or otherwise mechanically reproduced but are issued in typewritten form, shall file in the State Library for general reference use at least one each of such typewritten publications.

As amended, L. 1957, c. 99, p. 194, § 2; L. 1967, c. 162, §2.

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