

## COUNTY LIBRARY LAW

### Notes:

**40:33-5.1 pertains only to Cumberland County.**

**40:33-15 to – 23 pertains only to Morris County.**

**40:33-13.2D to -13.18 County Library Reorganization Law.**

**40:33-14 County Law Library**

### **40:33-1. County library; establishment**

The board of chosen freeholders of every county shall, in the manner hereinafter in this article provided, establish a free public library to be known as "the free county library". This library shall be established for such subdivisions of the county as do not maintain and control free public libraries, pursuant to the provisions of chapter 54 of this title (s. 40:54-1 et seq.).

### **40:33-2. Referendum**

No such library shall be established until assented to by the legal voters of the county at any election at which the question of the establishment thereof shall be submitted. In counties which have heretofore adopted the provisions of an act entitled "An act to provide for the establishment and maintenance of county free libraries," approved April seventh, one thousand nine hundred and twenty, the referendum election provided for herein need not be held and the provisions of this article shall apply to such counties.

### **40:33-3. Petition for submission**

At the request in writing of not less than three hundred qualified voters of the county, the board of chosen freeholders shall submit, at any general or special election, the question of the establishment of such library to the voters of the county for adoption or rejection.

### **40:33-4. Ballot; form and content**

The board of chosen freeholders shall cause the question to be printed upon the ballots to be used at such election, in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO.

"Shall the provisions of article 1 of chapter 33 of

YES the title Municipalities and Counties of the Revised

Statutes (s. 40:33-1 et seq.), providing for the

NO establishment and maintenance of county free

libraries, be adopted?"

#### **40:33-5. Results canvassed and returned; vote required for adoption**

The result of the election shall be returned and canvassed in the same manner and at the same time as other elections. If a majority of the votes cast on the question shall be in favor thereof the provisions of this article shall take effect in the county.

#### **40:33-5.1. Establishment by resolution in counties under 150,000**

The board of chosen freeholders of any county with a population of less than 150,000 which, on the effective date of this act, has not established a free county library pursuant to the provisions of article 1, chapter 33 of Title 40 of the Revised Statutes, may, by resolution, establish such a library for all the municipalities within the county. All libraries established pursuant to this act shall be governed by the provisions of article 1, chapter 33, Title 40 of the Revised Statutes insofar as they are not inconsistent with the provisions of this act.

L.1963, c. 46, s. 1, eff. May 25, 1963.

#### **40:33-6 Establishment, maintenance of libraries.**

40:33-6. Upon the adoption of the provisions of this article the board of chosen freeholders may contract with an existing library, or library board, within the county or the library commission of a county library already established and furnishing county library services in another county, for the establishment and maintenance of the county free library in accordance with the provisions of this article and subject to the rules and regulations of the board of chosen freeholders. No independently operated county library shall be established hereafter in any county unless a plan for the financing of the same, indicating the amount annually to be assessed, levied and collected in taxes for the establishment and thereafter for the maintenance, thereof, shall be submitted to, and shall be approved as sufficient by, the head of the Library Development Bureau in the State Library.

Amended 1950, c.189, s.1; 2001, c.137, s.45.

#### **40:33-7. County library commission**

a. Should the governing body not enter into the contract provided for in R.S. 40:33-6, it shall within 60 days after this article becomes operative, appoint a commission to be known as "the county library commission." The commission shall consist of five members except as provided below. On the first commission one member shall be appointed for one year; one for two years; one for three years; one for four years and one for five years, and thereafter all appointments shall be for terms of five years, except in the case of appointments to fill vacancies occurring other than by expiration of term, which vacancies shall be filled in the same manner as appointments are made, but for the unexpired terms only. The county library commission shall serve without compensation.

b. The governing body of any county that has a county library commission with fewer than three members who are residents of municipalities supporting the county library system shall increase the size of its commission to seven members. Additional members shall be residents of municipalities that support the county library system, serve for terms of five years and have the same powers and duties as other members of the commission. Within five years of the effective date of this act each county library shall have a majority of members who are residents of municipalities which support the county library system.

Amended by L. 1950, c. 189, p. 423, s. 2, eff. June 7, 1950; L. 1981, c. 564, s. 1, eff. Jan. 18, 1982; L. 1985, c. 541, s. 3, eff. Jan. 21, 1986.

#### **40:33-8 County library commission.**

40:33-8. The county library commission shall organize by the election of a chairman, and shall adopt rules and regulations for the establishment and maintenance of the county library. It shall employ a librarian, if any, as may be required, who shall hold appropriate certificates issued by the State Board of Examiners and such other employees as it shall deem necessary for the performance of its functions. It may purchase such supplies and equipment and incur such expenses as it may deem necessary to carry out the provisions of this article, but shall not incur expenses or make purchases in any fiscal year from public funds in excess of the appropriation for county library purposes for that year. In addition to its other powers, it may accept gifts, devises, legacies and bequests of property, real and personal, and hold and use the property and income of the same in any manner, which is lawful and consistent with the purpose for which the commission is created, and with the provisions of the conveyance, will or other instrument in or under which such gift, devise, legacy or bequest is made and may dispose of the same subject to the same conditions. It shall make an annual report to the financial officer of the county which shall include a statement setting forth in detail all county appropriations made to the library, other public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. The report shall also include an analysis of the state and condition of the library and shall be sent to the county, governing body and to the State Library. The State Librarian, with the approval of the President of Thomas Edison State College, shall prescribe by regulation the form of all such reports.

Amended 1950, c.189, s.3; 1985, c.541, s.4; 2001, c.137, s.46.

#### **40:33-8.1. Purchases not requiring advertisements for bids**

The county library commission of any county or the board of trustees of any regional library established by 2 or more counties may, within the limits of funds appropriated or otherwise made available to the commission or board, purchase the following without advertising for bids therefor: (1) library materials including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, 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; (2) necessary binding or rebinding of library materials; and (3) specialized library services.

L.1968, c. 227, s. 1, eff. July 31, 1968.

#### **40:33-8.2. Free county library administrators, duties**

36. The director or other chief administrative officer of each free county library shall:

a. cause copies of the voter registration forms and instructions furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be displayed at the principal and any branch location of that library and to be made available to each person who, when appearing in person at such location to apply for services administered by the library, may wish, on a voluntary basis, to register to vote;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each such principal or branch location; and

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each library which provides services under any program administered by the library which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

L.1994,c.182,s.36.

#### **40:33-9. Appropriations for establishment and maintenance; amount**

Upon the adoption of the provisions of this article, the board of chosen freeholders shall determine a sum sufficient for the establishment and, annually thereafter, for the maintenance of the library. The sum so to be raised shall be certified by the board of chosen freeholders to the county board of taxation, which shall apportion such amount among the municipalities receiving the benefits of this article in accordance with the provisions of section 54:4-49 of the Revised Statutes. The sum so raised shall be not less than 1/15 of a mill per dollar on the "apportionment valuation," as defined in section 54:4-49 of the Revised Statutes, of the municipalities receiving the benefits of this article. The amount thus apportioned to each municipality shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein.

Amended by L.1957, c. 14, p. 32, s. 1, eff. April 3, 1957.

#### **40:33-10. Borrowing money in anticipation of library taxes; tax notes**

The board of chosen freeholders may borrow money, in anticipation of the receipt of taxes levied for county library purposes, not in excess of the amount levied in any year for such purposes, and may issue notes therefor. Notes issued for this purpose shall be termed "county library tax anticipation notes" and shall be issued as other notes of the county are issued in anticipation of county taxes. The notes shall be paid on or before December thirty-first of the year in which and for which they are issued. They shall

bear interest at a rate of not more than six per cent per annum and the interest and principal thereof shall be paid from the funds of the county library.

**40:33-11. Tax revenue notes or bonds for delinquent taxes**

The board of chosen freeholders may issue tax revenue notes or tax revenue bonds for the county library tax which has become delinquent for the amount of such delinquent tax. Loans of this class shall be evidenced by the issue of "tax revenue notes" or "tax revenue bonds" , and when issued shall be governed by the conditions set forth in sections 40:2-48 to 40:2-51 of this title, governing "tax revenue notes" or "tax revenue bonds" .

**40:33-12. County treasurer custodian of library funds; payment of bills**

The county treasurer shall be the custodian of the county library tax collected and of all other funds or moneys of the commission, and upon receipt of bills properly authorized by the commission, payment thereof shall be made if sufficient funds are on hand.

Amended by L.1950, c. 189, p. 424, s. 4, eff. June 7, 1950.

**40:33-13. Participation by municipalities**

When any municipality, maintaining a public library and situate in a county which has adopted a county library system under the provisions of this article, desires to participate in the benefits of this article, the governing body thereof, by resolution, may apply to the county library commission of such county to be included in the county library system, and the municipality shall be admitted to said county library system upon such terms and conditions as may be agreed upon by the governing body thereof and the county library commission of the county, not inconsistent with the provisions of this act; provided, and so long as provision is made for assessing, levying and collecting within the municipality the special tax assessed, levied and collected in the other municipalities served by such county library system and thereafter such municipal public library shall continue to be operated as a municipal public library under its own governing board or body and shall be entitled to receive municipal appropriations notwithstanding its inclusion in the county library system and shall be entitled to receive from the county library system the same book loan, advisory, and other services as are received by the other municipalities within said system.

Amended by L.1950, c. 189, p. 425, s. 5, eff. June 7, 1950.

**40:33-13a. Withdrawal from county system**

Any municipality which is a member of a county library system not exempted as provided hereafter, may withdraw from that system by resolution of the governing body adopted after a public hearing held thereon. Within 30 days of the adoption of such resolution, the municipal governing body shall provide the county governing body with notice of its intent to withdraw from the county library system. Such notice shall not become effective until January 1 of the year following the year in which the notice was given and shall provide that the municipality remain a member of the county library system for two years after the effective date of the notice.

Any municipality which withdraws from the county library system and which fails to comply with the provisions of this section shall be required to provide the county library with financial support in the manner provided in chapter 33 of Title 40 of the Revised Statutes for a period of two years from the year of the municipality's withdrawal from the system.

This section shall not apply to any county library system reorganized under the provisions of P.L. 1977, c. 300 (C. 40:33-15 et seq.) or P.L. 1963, c. 46 (C. 40:33-5.1 et seq.).

L. 1985, c. 541, s. 6, eff. Jan. 21, 1986.

**40:33-13b. Withdrawal from county library system**

Any municipality which is a member of a county library system pursuant to R.S. 40:33-1 on the effective date of this amendatory and supplementary act shall continue as a member of the county library system unless the governing body of the municipality determines by resolution to propose withdrawing from that system and establishing a free public library or a joint free public library.

Following the adoption of that resolution and after a public hearing held thereon the governing body shall cause the question of withdrawal from the county library system to be submitted to the legal voters of the municipality at an election to be held in the manner provided for the establishment of free public libraries pursuant to R.S. 40:54-1 et seq.

The question shall be submitted in one of the following forms:

- a. "If in favor of the public question printed below mark a cross (X), or plus (+) in the square at the left of the word YES, and if opposed to the public question printed below mark a cross (X) or plus (+) at the left of the word NO.

....

YES Shall ..... (name of  
municipality) withdraw from the  
county library system pursuant  
to P.L. 1985, c. 541

NO (C. 40:33-13b) and establish a  
free public library pursuant

to the provisions of chapter 54

of Title 40 of the Revised

Statutes?"

. . . .

b. "If in favor of the public question printed below mark a cross (X), or plus (+) in the square at the left of the word YES, and if opposed to the public question printed below mark a cross (X) or plus (+) at the left of the word NO. . . . .

YES Shall ..... (name of

municipality) withdraw from

the county library system pursuant

to P.L. 1985, c. 541

NO (C. 40:33-13b) and unite with

..... (name of other municipality

or municipalities) and establish

a joint free public library

pursuant to the provisions of

chapter 54 of Title 40 of the

Revised Statutes?"

. . . .

If a majority of the voters approve the withdrawal from the county library system, the municipal governing body shall provide the county governing body with notice of its intent to withdraw from the county library system. Such notice shall not become effective until January 1 of the year following the year in which the notice was given and shall provide that the municipality remain a member of the county library system for two years after the effective date of the notice.

Any municipality which withdraws from the county library system and which fails to comply with the provisions of this section shall be required to provide the county library with financial support in the manner provided in chapter 33 of Title 40 of the Revised Statutes for a period of two years from the year of the municipality's withdrawal from the system.

Nothing in this section shall prevent a municipality from establishing a municipal free public library pursuant to chapter 54 of Title 40 of the Revised Statutes.

P.L. 1985, c. 541, s. 7; amended 1988,c.38,s.5.

#### **40:33-13.1. Contracts with other municipalities for additional library service**

The governing body of any municipality which forms part of a county library system may, by resolution, contract with any other municipality which maintains a free public library, for the furnishing of additional library service to the inhabitants of the first municipality, and may appropriate annually for this purpose, such sum of money as may be agreed upon between the contracting parties, which sum shall be in addition to the amount raised annually in such municipality for the support of the county library system.

L.1951, c. 101, p. 506, s. 1, eff. May 22, 1951.

#### **40:33-13.2. Use of money received under contract**

The governing body of such other municipality may, by resolution, enter into contract as provided in this act and all sums of money paid under such contract shall be appropriated and used for library purposes in accordance with the terms of said contract.

L.1951, c. 101, p. 506, s. 2, eff. May 22, 1951.

#### **40:33-13.2a. Authority to acquire real property or other interest; maintaining facilities; bonds; ad valorem taxes**

Notwithstanding the provisions of any other law, the board of chosen freeholders of any county is hereby authorized and empowered to acquire real property or any interest therein by purchase, condemnation, gift or otherwise, and to lease as lessor or as lessee, and to purchase, construct, reconstruct, enlarge, alter or improve, and to furnish and equip, and to operate and maintain, any buildings or facilities which are necessary or desirable in the judgment of said board for the purpose of establishing or providing a free county library or free county library services for the use of residents and inhabitants of the county, or jointly for such purpose and for any other county purpose or use, and to raise and appropriate moneys therefor in the same manner as moneys are raised and appropriated for other county purposes pursuant to the Local Budget Law, and to issue bonds or other obligations of the county for such purpose pursuant to the Local Bond Law and to levy ad valorem taxes upon all the taxable property within the county for the payment of the principal of and interest on such bonds or other obligations without limitation as to rate or amount.

L.1966, c. 223, s. 1, eff. Aug. 10, 1966.

**40:33-13.2b. Agreements with respect to provision, leasing, use, operation or maintenance; payments on account**

Said board of chosen freeholders and any county library commission, governing body of any municipality or board of trustees of any free public library in the county are hereby authorized and empowered to enter into agreements with respect to provision, leasing, use, operation or maintenance of all or any part of such real property, buildings or facilities, and for payments on account of any cost or expense or the use or services thereof, or the establishment or provision of such free county library or free county library services. Any such contract may be made with or without consideration and for an unspecified or unlimited period of time and on any terms and conditions therein set forth and shall be valid and binding on the parties thereto whether or not appropriation with respect thereto shall have been made prior to authorization or execution thereof.

L.1966, c. 223, s. 2, eff. Aug. 10, 1966.

**40:33-13.2c. Employee of county library system formerly employee of municipal free public library; classified service**

Any former employee of a municipal free public library who has become an employee of a county library system pursuant to an agreement providing for the admission or merger of the municipal free public library to or into the county library system, shall be placed in the classified service of the civil service of the county, subject to individual entry qualifying examinations. Those employees so placed shall continue in the position in which employed at the time of the admission or merger and shall be subject to all provisions of Subtitle 3 of Title 11 (Civil Service) of the Revised Statutes.

As used in this act;

"Municipal free public library" means a free public library established pursuant to Article 1 of chapter 54 of Title 40 of the Revised Statutes by a municipality in which the provisions of Subtitle 3 of Title 11 (Civil Service) of the Revised Statutes have not been adopted;

"County library system" means a county library system established and organized pursuant to Article 1 of chapter 33 of Title 40 of the Revised Statutes in a county in which the provisions of Subtitle 3 of Title 11 (Civil Service) have been adopted.

L.1978, c. 23, s. 1, eff. May 23, 1978.

**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, s. 1, eff. Jan. 12, 1982.

**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, s. 2, eff. Jan. 12, 1982.

**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; or
- b. The county library system remain unchanged.

L.1981, c. 489, s. 3, eff. Jan. 12, 1982.

**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, the county clerk shall cause a referendum question conforming with the requirements of section 5 of this act 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 of this act. If the commission recommends that a county library system be reorganized pursuant to sections 6 and 7 of this act, 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, s. 4, eff. Jan. 12, 1982.

**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, s. 5, eff. Jan. 12, 1982.

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

6. 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.

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.

L.1981,c.489,s.6; amended 2001, c.137, s.47.

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

7. 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.

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.

L.1981,c.489,s.7; amended 2001, c.137, s.48.

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

8. 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.

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.

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.

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,s.8; amended 2001, c.137, s.49.

**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, 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, s. 9, eff. Jan. 12, 1982.

**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 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. The commission shall have the same powers and responsibilities as established in sections 3 and 4 of this act.

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, s. 10, eff. Jan. 12, 1982.

#### **40:33-13.2n Rules, regulations.**

11. 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-1 et seq.), such rules and regulations as it deems necessary to effectuate the purposes of this act.

L.1981,c.489,s.11; amended 2001, c.137, s.50.

#### **40:33-13.3. Establishment by joint agreement**

Any 2 or more counties may, by joint agreement adopted by similar resolutions of their boards of chosen freeholders, provide for the establishment and maintenance of a regional library for the use and benefit of the residents of the municipalities within said counties.

L.1962, c. 134, s. 1, eff. July 27, 1962.

#### **40:33-13.4. Provisions of agreement**

The regional library agreement shall provide for:

(a) the establishment and maintenance of a regional library upon the approval of such agreement by such counties as the agreement shall provide;

(b) a proposed initial budget for the regional library;

(c) the apportionment of the initial, annual and other appropriations for the regional library among the participating counties and the factor or factors upon which such apportionments shall be based;

(d) the withdrawal of any participating county from such agreement, the termination of the regional library and the apportionment of all assets and obligations of the regional library among the participating counties in the event of such withdrawal or termination;

(e) the number and initial terms of the members of the board of trustees of the regional library within the limits set forth in this act; and

(f) such other matters not inconsistent with the provisions of this act as may be necessary or desirable to accomplish the objectives of this act.

L.1962, c. 134, s. 2, eff. July 27, 1962.

**40:33-13.5 Amendment of regional library agreement; filing copy.**

3. The regional library agreement may, from time to time, be amended or supplemented by the adoption of similar resolutions by all the boards of chosen freeholders of the participating counties. A copy of the original regional library agreement, of any amendments or supplements thereto and of the resolutions approving such agreement, amendments or supplements shall be filed with the State Librarian and with the Director of the Division of Local Government.

L.1962,c.134,s.3; amended 2001, c.137, s.51.

**40:33-13.6. Resolution; public inspection; publication**

Upon the introduction of a resolution approving such agreement, or any amendment or supplement thereto, such resolutions, agreement, amendment, or supplement shall be and remain on file for public inspection in the office of the clerk of the board of chosen freeholders. Such resolution shall be published at least once 2 weeks or more before final consideration and passage in a newspaper published in the county or having a substantial circulation therein.

L.1962, c. 134, s. 4, eff. July 27, 1962.

**40:33-13.7. Board of trustees; membership; appointment; vacancies; compensation**

The regional library shall be under the management and control of a board of trustees to be designated as "the trustees of the (names of the participating counties) regional library" or by other appropriate designation. The board of trustees shall consist of 1, 2 or 3 members from each of the participating counties, as provided in the agreement. The trustees shall be appointed by the respective boards of chosen freeholders for 5-year terms ending on December 31. Vacancies shall be filled for the unexpired term only. No trustee shall be appointed to more than 2 consecutive 5-year terms. Trustees shall serve without compensation.

The initial terms of the trustees shall be so fixed in the joint library agreement to insure that no 2 terms of the trustees appointed from any one county shall expire in the same year, and, as nearly as may be, that the least possible number of terms of all the trustees shall expire in the same year.

L.1962, c. 134, s. 5, eff. July 27, 1962.

**40:33-13.8. Organization of board; officers; term of office**

The board of trustees shall organize annually and elect, from among its members, a president and vice-president. It shall also appoint a treasurer and secretary. The treasurer may be treasurer of one of the participating counties. All officers shall serve for 1 year and until their successors are elected.

L.1962, c. 134, s. 6, eff. July 27, 1962.

**40:33-13.9. Boards as body public and corporate; powers**

The board of trustees shall be a body public and corporate and may:

(a) sue and be sued;

(b) adopt a corporate seal;

(c) hold in trust and manage all property of the regional library;

(d) acquire and dispose of any real and personal property, including books and all other library materials, by purchase, sale, gift, lease, bequest, devise or other similar manner for its corporate purposes;

(e) employ and fix the compensation of a library director, to whom it shall delegate the administrative responsibilities of the library, and such other professional librarians and other employees it deems necessary;

(f) adopt rules and regulations and do all things necessary for the proper establishment and operation of the library;

(g) contract with other counties, municipalities, library boards of trustees and other agencies for the furtherance of its purpose; and

(h) invest any funds in the same manner as the governing body of a municipality is authorized by law to invest moneys held by it.

L.1962, c. 134, s. 7, eff. July 27, 1962.

**40:33-13.9a. Regional library administrators, duties**

37. The director or other chief administrative officer of each regional library established under the provisions of P.L.1962, c.134 (C.40:33-13.3 et seq.) shall:

a. cause copies of the voter registration forms and instructions furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be displayed at the principal and any branch location of that library and to be made available to each person who, when appearing in person at such location, may wish, on

a voluntary basis, to register to vote;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each such principal or branch location; and

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each library which provides services under any program administered by the library which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

L.1994,c.182,s.37.

#### **40:33-13.10. Annual reports**

The board of trustees shall make annual reports to the boards of chosen freeholders of the participating counties, to the governing bodies of such municipalities with which it has contractual arrangements to provide library services and to the boards of trustees of public libraries within such municipalities.

L.1962, c. 134, s. 8, eff. July 27, 1962.

#### **40:33-13.11. Proposal of sum required for operation and expenses; objections; determination**

The board of trustees shall annually, not later than November 1, propose to the boards of chosen freeholders of each of the participating counties the total sum required for the operation and other expenses of the library for the ensuing calendar year, including such sums proposed for the acquisition of lands or buildings or the improvement thereof, and that part of this total sum to be provided by each such county in accordance with the method of apportionment provided in the regional library agreement. If any board of chosen freeholders shall object to the amount or apportionment so proposed, the director thereof shall confer with the directors of the boards of chosen freeholders of the other participating counties and with the board of trustees. If, thereafter, any such director of a board of chosen freeholders shall object to such amount or apportionment, the matter shall be referred by said respective directors to their boards of chosen freeholders for determination. Such determination shall be made on the basis of fairness and equity, to promote the objectives of this act and the terms of the regional library agreement and to insure the public interest.

L.1962, c. 134, s. 9, eff. July 27, 1962.

#### **40:33-13.12. Assessment and levy of taxes**

Each board of chosen freeholders shall certify to its county board of taxation the sum to be provided by that county as certified or determined pursuant to section 8 of this act. The county board of taxation shall apportion such sum, in accordance with the provisions of section 54:4-49 of the Revised Statutes, among the municipalities within that county served by the regional library pursuant to the regional library agreement. The amounts thus apportioned shall be assessed, levied and collected in each such municipality in the same manner and at the same time as other county taxes are assessed, levied, and

collected. Each such county shall pay over the sum so collected, in quarterly installments on February 15, May 15, August 15 and November 15 of each year, to the treasurer of the regional library.

L.1962, c. 134, s. 10, eff. July 27, 1962.

**40:33-13.13. Duties of treasurer; annual audit**

The treasurer of the board of trustees shall receive and hold, in behalf of the board, all funds of the library and shall pay out or transfer such funds, as directed by resolution of the board of trustees, by check signed by him and countersigned by the president of the board of trustees or other trustee or trustees designated by the board of trustees. The treasurer shall give adequate bond or bonds, conditioned for the faithful performance and discharge of his duties, payable to the board of trustees and to the participating counties, in an amount or amounts required by the board of trustees. All accounts and financial transactions of the regional library shall be audited annually by a registered municipal accountant of New Jersey and filed with the Director of the Division of Local Government on or before May 31.

L.1962, c. 134, s. 11, eff. July 27, 1962.

**40:33-13.14 Agreements with municipalities not served by regional library.**

12. The board of trustees may enter into agreements with the governing body of any municipality which is not then served by the regional library to increase or improve the library services available to the residents of said municipality or to the residents of the municipalities then served by the regional library. Any such agreement shall specify the services to be rendered by the regional library and by the municipality and the amount and nature of payment of any consideration for such services. Any municipality may enter into such agreements with the board of trustees for periods of not more than five years and may renew such agreements for like periods.

No such agreement shall be concluded (a) without the approval of the boards of chosen freeholders of the counties participating in the regional library and, (b) in the event that the municipality maintains a municipal public library, without the approval of the board of trustees of such library. Such agreement may be amended and supplemented, from time to time, and a copy of such agreement, amendments and supplements, together with resolutions of the board of trustees approving such agreement, amendments and supplements, shall be filed with the State Librarian and with the Director of the Division of Local Government.

L.1962,c.134,s.12; amended 2001, c.137, s.52.

**40:33-13.15. Disposition of revenues**

Money paid to the regional library for lost or damaged books or other library materials, for use of "pay" or "rental" collections and for the sale of library books or other library property shall be held by the board of trustees and spent only for the purchase of books or other materials or for the replacement of

library property.

Fines, nonresident fees and other miscellaneous revenue received by the regional library shall be turned over to the treasurers of the participating counties in proportionate shares as stipulated in the regional library agreement or in accordance with the apportionment of annual appropriations set forth therein. Each board of chosen freeholders of the participating counties may, by resolution, reappropriate the sums so received to the board of trustees, in addition to the other moneys appropriated for regional library purposes.

L.1962, c. 134, s. 13, eff. July 27, 1962.

**40:33-13.16. County library commission; termination; assets and obligations**

Upon the establishment of a regional library, the terms of office of all members of any county library commission of any participating county shall terminate. The assets and obligations of any such commission and of the county library under its supervision shall devolve upon such county, unless otherwise provided in the regional library agreement.

L.1962, c. 132, s. 14, eff. July 27, 1962.

**40:33-13.17. Regional library as "public agency or organization" within Public Employees' Retirement Act**

Any regional library established pursuant to this act shall be deemed a "public agency or organization" as that term is used in the Public Employees' Retirement Act (P.L.1954, c. 84) and as defined in section 71 of said Act.

L.1962, c. 134, s. 15, eff. July 27, 1962.

**40:33-13.18. Withdrawal of participating county**

If the board of chosen freeholders of any participating county shall determine by resolution to withdraw its participation in the support, maintenance and control of the regional library, it shall give notice thereof to the boards of chosen freeholders of other participating counties and to the board of trustees of the regional library. The directors of all boards of chosen freeholders participating in the regional library and the board of trustees shall confer as soon as practicable for the purpose of reaching an agreement among the participating counties as to the time and method of withdrawal by such county, the use of the library facilities thereafter, the adjustment, apportionment, accounting for, settlement, allowance and satisfaction of the rights and liabilities in or with respect to any property, obligations or other matters or things connected with said library and any other matters relating to the regional library. If said boards of chosen freeholders shall be unable to agree as to the terms and conditions of such withdrawal, the matter shall be referred by the board of chosen freeholders of the county which has adopted a resolution to withdraw to the Director of the Division of Local Government for determination on the basis of fairness and equity, the objectives of this act and the regional library agreement, and the public interest. Upon final approval of the resolution or determination by

the Director of the Division of Local Government, the participation of the county in the support, maintenance and control in the regional library shall terminate in accordance with the terms of the withdrawal agreement or determination.

L.1962, c. 134, s. 16, eff. July 27, 1962.

**40:33-14. Law library; maintenance; purchase of books; annual expenditures limited**

40:33-14. The board of chosen freeholders may maintain at the courthouse a law library for the use of the courts held in the county, and for that purpose shall purchase such reports and statutes of the United States, the State of New Jersey and other states and countries and such textbooks as may be designated by the assignment judge of the Superior Court. The amount so expended shall not exceed the sum fixed annually by the board of chosen freeholders.

Amended 1953,c.37,s.61; 1954,c.250; 1991,c.91,s.380.

**40:33-15. Morris County; reorganization of free county library; resolution**

Notwithstanding the provisions of any other law, the board of chosen freeholders of any county having a population of not less than 350,000 nor more than 450,000 according to the 1970 Federal census which has established a free county library under chapter 33 of Title 40 of the Revised Statutes may, by resolution to be effective January 1, 1978, reorganize the free county library pursuant to the provisions of this act in order to provide library services for the use of all residents and inhabitants of the county.

L.1977, c. 300, s. 1, eff. Dec. 16, 1977.

**40:33-16. Definitions**

As used in this act:

a. "First level services" means services provided by a free county library which are coextensive with those provided by free public libraries established pursuant to chapter 54 of Title 40 of the Revised Statutes which may include but are not limited to over-the-counter borrowing, story-telling and bookmobile programs; and, in addition, the following services provided by the free county library to local libraries: material acquisition and processing, book allowances and book rental services.

b. "Second level services" means specialized services provided to all residents of a county by the free county library which supplement services provided by free public libraries and services provided by a free county library to all public libraries, school libraries, industrial, commercial and other special libraries in the county which are designed to assist and strengthen such libraries. Second level services shall include but not be 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 the coordination of cooperative countywide services.

L.1977, c. 300, s. 2, eff. Dec. 16, 1977.

**40:33-17. County library commission; members**

The "county library commission" in such counties shall consist of seven members. On or before the effective date of such reorganization, the board of chosen freeholders shall appoint the two additional members to the commission, for terms of 4 and 5 years respectively, who are residents of municipalities which only receive second level services from the county library, one of whom who has previously served as a trustee of a free public library. All future appointments to the commission shall be made for terms of 5 years, except for appointments to fill vacancies occurring on the commission which shall be filled for the unexpired term only. All future appointments shall be made in such a manner as to maintain at least one director, or his designee, from a municipal free public library or joint library which receives only second level services from the free county library, one member, or his designee, of the governing body of a municipality which receives only second level services from the free county library, a trustee of a municipal free library which receives only second level services from the free county library, and three members who are residents of municipalities which receive first level services from the free county library.

L.1977, c. 300, s. 3, eff. Dec. 16, 1977.

**40:33-18. Proposal of operational amount for ensuing calendar year**

The county library commission in such counties shall annually, not later than November 1, propose to the board of chosen freeholders the total sum required for the operation of the library for the ensuing calendar year and identify that part of the total sum which will be used for second level services.

L.1977, c. 300, s. 4, eff. Dec. 16, 1977.

**40:33-19. Funding county library services**

Following the passage of a resolution to reorganize the free county library pursuant to the provisions of this act and annually thereafter, the board of chosen freeholders shall determine a sum sufficient for the maintenance of first and second level services at the county library. The sum to be raised for first level services shall be certified by the board of chosen freeholders to the county board of taxation, which shall apportion such amount among the municipalities receiving first level services.

The amount thus apportioned to each municipality for first level services shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein. The sum to be raised and appropriated for second level services shall be raised and appropriated by the board of chosen freeholders in the same manner as moneys are raised and appropriated for other county purposes pursuant to the Local Budget Law (N.J.S. 40A:4-1 et seq.).

L. 1977, c. 300, s. 5, eff. Dec. 16, 1977. Amended by L. 1985, c. 240, s. 1, eff. July 17, 1985.

**40:33-20. Municipalities; continuation of receipt of services from free county library; exceptions**

Municipalities receiving benefits from the free county library prior to the adoption of a resolution by the board of chosen freeholders to reorganize the free county library pursuant to the provisions of this act shall continue to receive first and second level services from the free county library, except as provided below. On or before September 30 of the year following the reorganization of the free county library pursuant to the provisions of this act, the governing body of any municipality which maintains a free public library and receives first level services from the free county library may, by resolution, notify the county library commission of such county that it will withdraw from participation in the first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the second year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the first third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the third year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the second third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the fourth year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the remaining third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. The governing body of any municipality may, by resolution, on or before September 30 in any year, except as otherwise specifically provided hereinafter, notify the county library commission that it will receive and support first level services to be effective January 1 of the following year. In the event any municipality is a party to a joint library agreement pursuant to Article 2 of chapter 54 of Title 40 of the Revised Statutes in the year prior to the reorganization of the free county library, such notification may be given in the first 4 years following said reorganization only if the governing body of the other municipality party to such agreement consents thereto, or upon the condition that such agreement shall remain in force for the said 4 years. In the event that any municipality is a party to a contract for full library services with another municipality in the year prior to the reorganization of the free county library, such notification may be given in the first 4 years following said reorganization only if the governing body of the other municipality party to such agreement consents thereto, or if the municipality providing library services pursuant to the agreement is unwilling to renew the agreement for the next year for an amount less than 5% above the amount provided for in the current agreement.

**40:33-21. Report on effectiveness of second level services**

Within 18 months following the reorganization of the free county library pursuant to this act, after consultation with all the libraries in the county, the county library commission shall submit a report to all the municipalities in the county which evaluates the effectiveness of the second level services provided by the free county library and indicates what action it will take to improve such services in the forthcoming year.

L.1977, c. 300, s. 7, eff. Dec. 16, 1977.

**40:33-22. Application of provisions on free county libraries**

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

L.1977, c. 300, s. 8, eff. Dec. 16, 1977.

**40:33-23. Consideration of increase in county tax levy to fund second level services for purposes of calculating permissible expenditures**

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

L.1977, c. 300, s. 9, eff. Dec. 16, 1977.