

NEW JERSEY STATUTES ANNOTATED
TITLE 18A. EDUCATION
CHAPTER 74. STATE LIBRARY AID LAW

N.J.S.A.

18A:74-1. Short title

This chapter shall be known as the "state library aid law."

N.J.S.A.

18A:74-2. Terms defined

For the purposes of this chapter, unless the context clearly requires a different meaning:

"Annual expenditure for library services" shall mean the sum expended during the last completed fiscal year by a municipality or county for library services, as certified by the governing body of the municipality or county to the commissioner, excluding any sum paid to the municipality or county under the provisions of this chapter.

"Equalized valuation" shall mean the equalized valuation of the municipality, as certified by the director of the State Division of Taxation for the year preceding that in which the calculation of State aid hereunder is made.

"Per capita" shall mean for each of the number of inhabitants of a municipality or county, as shown by the latest federal census effective in this State; provided that upon application by a municipality or county to the commissioner, any special census of population taken by the United States Bureau of the Census subsequent to its latest effective census shall determine such number of inhabitants.

As amended, L.1986, c. 174 § 7.

N.J.S.A.

18A:74-3. Municipalities and counties supporting libraries

a. Each municipality or county that supports, in whole or in part, library service from municipal or county tax sources pursuant to chapter 33 or 54 of Title 40 of the Revised Statutes¹ shall qualify for one of the following:

- (1) \$0.50 per capita if its annual expenditure for library services is less than 1/5 mill per dollar upon the equalized valuation;
- (2) \$0.75 per capita if its annual expenditure for library services is equal to or more than 1/5 mill, but less than 1/4 mill per dollar upon equalized valuation;
- (3) \$1.00 per capita if its annual expenditure for library services is equal to or more than 1/4 mill, but less than 1/3 mill per dollar upon equalized valuation;
- (4) \$1.25 per capita if its annual expenditure for library services is equal to or more than 1/3 mill, but less than 1/2 mill per dollar upon equalized valuation;

(5) \$1.50 per capita if its annual expenditure for library services is equal to or more than 1/2 mill per dollar upon equalized valuation;

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

b. For those municipalities which provide tax support for both a local library and a county library, the per capita aid provided for in subsection a. of this section shall be determined as follows: the total expenditure for library service pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes shall be used to determine the scale of per capita aid. In counties in which the free county library has been reorganized pursuant to P.L. 1977, c. 300 (C. 40:33-15 et seq.), the total payments shall be made to the municipality. In those counties which have established county libraries pursuant to P.L. 1963, c. 46 (C. 40:33-5.1), the payment to the municipality and the county shall be made according to section 2 of P.L. 1983, c. 487 (C. 18A:74-3.1). In all other counties the payment to the municipality and to the county, respectively, shall be apportioned in the same ratio as each expenditure bears to the total expenditure.

As amended, L.1977, c. 300, § 10; L.1983, c. 487, § 1; L.1987, c. 313, § 1.

¹Section 40:33-1 et seq., 40:54-1 et seq.

N.J.S.A.

18A: 74-3.1 Apportionment of per capita aid for municipalities not operating libraries pursuant to § 40:54-1 et. seq.

In those counties which have established county libraries pursuant to the provisions of P.L. 1963, c. 46 (C. 40:33-5.1), the apportionment of per capita aid shall be as follows:

a. Each municipality which provides tax support for a local library shall qualify for per capita aid based on the formula in subsection a. of N.J.S. 18A:74-3. This aid shall be paid to the governing body of the municipality.

b. Each county shall qualify for per capita aid based on the tax support provided by each municipality within the county for the county library pursuant to the formula in subsection a. of N.J.S. 18A:74-3, except that aid shall be based upon the number of inhabitants of only those municipalities in the county which do not operate libraries established pursuant to R.S. 40:54-1 et. seq. This aid shall be paid to the treasurer of the county.

L.1983, c. 487, § 2. Amended by L.1993, c. 71, § 1.

N.J.S.A.

18A:74-3.2. Distribution of State aid.

1. Thomas Edison State College shall annually, within the limitations of amounts appropriated by the Legislature, distribute funds pursuant to rules and regulations adopted

according to N.J.S.18A:74-1 et seq. upon certification of the State Library;

a. To any municipality which receives State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) and supports, in whole or in part, a municipal library which maintains one or more branch libraries, to assist solely in maintaining, operating and improving those branch libraries to meet community needs;

b. To any county or municipality which supports, in whole or in part, library services from county or municipal tax revenues to evaluate and develop the collections of any library receiving such funds; and

c. To any library in the State which houses and maintains a collection of historical or special interest, to be used to house, protect, preserve, repair, restore and maintain the collection.

Funds allocated pursuant to this section shall be distributed as grants to qualifying applicants, based on competitive criteria and a selection process established by the State Library. No rule or regulation shall be adopted nor any application approved nor grant made under this section which creates or implies, by its nature or purpose, a continuing assistance grant or entitlement of indefinite length.

L.1985, c. 297, § 1. Amended by L.2001, c.137, § 27.

N.J.S.A.

18A:74-3.3. Distribution of funds for audiovisual services.

Thomas Edison State College, after consultation with the State Librarian, shall annually, within the limitations of amounts appropriated by the Legislature, distribute funds pursuant to rules and regulations adopted according to N.J.S. I 8A:74-1 et seq., for audiovisual public library services.

L.1985, c. 297, § 2. Amended by L.2001, c.137, § 28.

N.J.S.A.

18A:74-3.4. Services for institutionalized persons

Thomas Edison State College, after consultation with the State Librarian, shall annually, within the limitations of amounts appropriated by the Legislature, distribute funds pursuant to rules and regulations adopted according to N.J.S. 18A:74-1 et seq., for library services to persons institutionalized in health, mental health, mental retardation, veterans', residential, correctional and other similar facilities which are operated by or under contract to the State or to county or municipal governments.

L.1985, c. 297, § 3. Amended by L.2001, c.137, § 29.

N.J.S.A.

18A:74-4. Repealed by L. 1986, c. 174, § 9

N.J.S.A.

18A:74-4.1. Provision of optical scanners

The Thomas Edison State College, after consultation with the State Librarian, and after consultation with the Commission for the Blind and Visually Impaired, shall purchase and provide to designated area libraries or other public facilities accessible to the blind or visually impaired that may be appropriate an optical scanner, which converts printed materials into synthetic speech for the benefit of the blind and visually impaired. The President of Thomas Edison State College shall provide for the training of personnel in the proper use of these devices.

L.1981, c. 225, § 1. Amended by L.2001, c.137, § 30.

N.J.S.A.

18A:74-5. Repealed by L. 1986, c. 174, § 9

N.J.S.A.

18A:74-6. Emergency aid; incentive grant

There shall be appropriated annually the sum of \$200,000.00 to be distributed by Thomas Edison State College and in accordance with its rules and regulations to meet unforeseeable conditions in any municipality or county, and to encourage the formation and development of larger units of service pursuant to law. The amount of such emergency aid or incentive grant shall be payable by the President of Thomas Edison State College upon certification by the State Librarian.

Amended by L.2001, c.137, § 31.

N.J.S.A.

18A:74-7. Determination of appropriation

On or before November 15 in each year, the State Library shall estimate the amount necessary to be appropriated to carry out the provisions of this chapter for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each of the counties and municipalities under this chapter for such succeeding year. The State Library shall make such determination for budget purposes upon the basis of the annual appropriations for library purposes for the current calendar year.

On or before September 15 of each succeeding year, the State Library shall make the final determination of the payments to be made under this chapter upon the basis of the annual expenditures for library purposes for the preceding calendar year.

Amended by L.2001, c.137, § 32.

N.J.S.A.

18A:74-8. Payment of State aid; date, method.

The sums payable as State aid, as finally determined by the State Library shall be payable on October 1 following the final determination in each such year. Payments shall be made by the state treasurer upon certificate of the President of Thomas Edison State College, the State Librarian, and warrant of the director of the division of budget and accounting. Payment shall be made to the governing body of each municipality qualifying for aid under this

chapter and to the treasurer of each county which supports a regional or county library system, and to the receiving officer designated by each research library center.

Amended by L.2001, c.137, § 33.

N.J.S.A.

18A:74-9. Application of benefits to library services

Benefits received pursuant to this chapter shall not be applied to any other purpose than library services maintained pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes¹ and pursuant to this chapter.

¹Section 40:33-1 et seq., 40:54-1 et seq.

N.J.S.A.

18A:74-10. Compliance with regulations, standards.

In order to participate in any apportionment made according to the provisions of this chapter, municipalities and counties shall comply with the regulations and standards which have been, or which may be, prescribed by law or recommended by the advisory council of the State Library for the operation and improvement of free public libraries to provide efficient and effective library services, to insure public benefit and convenience therefrom and to achieve the objects of this chapter.

Amended by L.2001, c.137, § 34.

N.J.S.A.

18A:74-11. Annual reports

On or before March 1 in each year each library receiving state aid according to the provisions of this chapter shall make and transmit a report to the state librarian of such information, based upon the records and statistics of the preceding calendar year, as the state librarian shall require.

N.J.S.A.

18A:74-12. Enforcement of law and regulations

The Department of the Treasury, at the request of the State Librarian, is hereby empowered to withhold any form of State Library aid from any municipality, county, or area library which does not comply with the provisions of chapters 33 and 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of 1947 (C.45:8A-1 et seq.) wherever applicable, or with any rules and regulations duly adopted pursuant to said statutes or this chapter, or which reduces its annual expenditures for library services pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes below the average of those expenditures for normal, recurring, operating costs made during the three years previous to receipt of the first State aid under this chapter.

¹Section 40:33-1 et seq, 40:54-1 et. seq. Amended by L.2001, c.137, § 35.

N.J.S.A.

18A:74-13. Appropriations, allocation

There is hereby appropriated for the purposes of this chapter such sums as may be included therefor in any annual or supplemental appropriation. In the event the sums appropriated at any time are insufficient to carry out in full the provisions of this chapter, the State Library shall allocate such sums on the basis of the method of allocation described in this chapter to the extent deemed advisable and practicable. A sum not to exceed 1% of such total annual or supplemental appropriation for the purposes of this chapter may be allocated to Thomas Edison State College for the administrative costs thereof.

NEW JERSEY ADMINISTRATIVE CODE

TITLE 15. STATE

CHAPTER 21. STATE LIBRARY AID AND GRANTS

SUBCHAPTER 1. GENERAL PROVISIONS

Authority

N.J.S.A. 18A:2-2, 18A:4-15, 18A:74-3.3, 18A:74-6, 18A:74-10 and 18A:74-14.

Source and Effective Date

R.2000 d.145, effective March 10, 2000, reoption; April 3, 2000, Amendments
See: 32 N.J.R. 244

Chapter Expiration Date

Chapter 21, State Library Aid and Grants, expires on March 10, 2005

N.J.A.C.

15:21-1.1 Purpose

The purpose of this chapter is to describe the library grant programs available from State funds and to establish general rules for the application process.

N.J.A.C.

15:21-1.2 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.

"Access" means accessibility of materials on site or online, interlibrary loan of materials, citation/location of materials on databases and cataloging of materials.

"Associate librarian" means a person who holds an associate educational media specialist

certificate in accordance with N.J.A.C. 6:11-12.22.

"Association library" means a library established pursuant to N.J.S.A. 15A:1-1 et seq. and receiving public funds pursuant to N.J.S.A. 40:54-35.

"Audio-visual" means communications resources which rely on a device for transmission, reproduction, or enlargement to be effectively utilized or understood. Also included are other non-print resources such as art works and objects.

"Branch library" means an auxiliary public library (county or municipal) which has all of the following, but which is administered from a central unit:

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

"Central library" means the main library building of a municipality, county or other type of public library or those facilities which house the administrative headquarters of a public library system, including system-wide services provided from a single location.

"Collection development" means activities relating to the development of a library collection, including but not limited to the determination and coordination of selection policies, assessment of needs of users and potential users, collection use studies, collection evaluation, identification of collection needs, selection of materials, planning for resource sharing, collection maintenance and weeding, and purchase of library materials in any format.

"Collection evaluation" means the process of assessing a library collection in terms of specific objectives or in terms of the needs of the patrons of the particular collection.

"Collection maintenance" means activities to preserve the materials in a collection, including care and handling, binding, mending, repairing, marking and shelving.

"Collection of historical or special interest" means all or part of a group of materials with permanent significance to New Jersey's documentary heritage or with general research value and uniqueness.

"Collection" means library materials in any format.

"Coordinated collection development plan" means an agreement extended by a group of libraries to take responsibility for building and maintaining collections in specific subject areas to increase the resource sharing capabilities of the libraries.

"County library" means a public library established pursuant to N.J.S.A. 40:33-1 to 13 and 40:33-15 to 23.

"Evening hours" means any two hours the library is open after 6:00 P.M.

"Expanded programs of library services" means new services, changes in or expansion of

services already offered.

"Extended long-term loan" means a loan of 12 months or more.

"In kind" means the current and recurring costs of the operation of the library and its programs/services that were present before the development and implementation of the grant program.

"Institution" means an adult or juvenile health, mental health, mental retardation, veterans, residential, correctional and other similar facility other than a public school, which is operated by or under contract to the State or to county or municipal governments to carry out health, welfare, educational and correctional programs. Excluded are general hospitals, nursing homes and boarding homes.

"Institutional library" means any library within an institution directly serving the institutional client group.

"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.

"Joint library" means a library established pursuant to N.J.S.A. 40:54-29.3 to 29.26.

"Librarian" means a professional librarian, an educational media specialist or an associate educational media specialist who holds, or is eligible to hold, a certificate in accordance with N.J.A.C. 6:11-12.7 Professional librarian; N.J.A.C. 6:11-12.21, Educational media specialist; or N.J.A.C. 6:11-12.22, Associate educational media specialist.

"Library" means an organized collection of accessible print and/or non-print materials with appropriate staff to maintain such materials and to provide reference, research and other services to the public.

"Library clerk" means a person employed in a library who performs clerical or support functions.

"Library materials" means print, non-print items and electronic resources.

"Library-related agency" means a county audio-visual aids commission established under N.J.S.A. 18A:51; a learning resource center; a regional curriculum services unit; or any other nonprofit organization meeting the criteria for membership in a regional library cooperative in accordance with N.J.A.C. 6:70-1.5(b).

"Library services" means all activities rendered by the library to its users.

"Municipal library" means a library established pursuant to N.J.S.A. 40:54-1 to 29.2.

"Non-print materials" means materials in audio and visual formats which convey information primarily by sound and image rather than by text and which rely on a device for transmission, reproduction or enlargement to be effectively utilized or understood. Excluded are print and print substitutes such as microform, but included are computer software, art

works and objects and electronic resources.

"Non-print public library services" means provision of access to non-print materials to clientele of a public library.

"Overhead" means current or recurring expenses such as rent, insurance, lighting, heating, accounting or office expenses.

"Part-time employee" means an employee whose regular hours of duty are less than the normal work week for that class or agency in accordance with Civil Service Rule N.J.A.C. 4:1-2.1.

"Periodical" means a serial publication which is issued in a continuous series under the same title, usually published at regular intervals, more frequently than annually, over an indefinite period, individual issues in the series being numbered consecutively or each issue being dated.

"Periodical indexes" means subject indexes to a newspaper or to a group of periodicals which are provided for patron and staff use whether in print, microform or electronic format.

"Privately supported library" means a library whose parent agency receives less than 50 percent of its annual funding support from governmental sources.

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

"Publicly supported library" means a library whose agency receives 50 percent or more of its regular annual funding support from governmental sources.

"Regional library" means a library established pursuant to N.J.S.A. 40:33-13.3 et seq.

"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 census" means a census conducted by the United States Secretary of Commerce pursuant to 13 U.S.C. 196.

"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.

"User studies" means a method of determining the information needs of current library patrons or potential library patrons.

N.J.A.C.

15:21-1.3 Grant application procedures

(a) The State Library requires the use of a standard application for the grant programs unless otherwise specified. Application forms, unless otherwise specified, may be obtained from:

New Jersey State Library
Grant Applications
185 West State Street
POB 520
Trenton, New Jersey 08625-0520.

(b) Applications must conform to the requirements for completion and the deadline dates as specified by the State Librarian in the publication "Grants Bulletin."

N.J.A.C.

15:21-1.4 Criteria for approval

(a) Evaluation of the applications may be based on the following criteria, with additional criteria provided depending on the individual grant :

1. A statement of the applicant's need as it relates to the stated purpose of the grant;
2. A rationale providing a description of the potential project and the basis for the selection of a particular solution or method for the project;
3. Goals and objectives describing the outcomes or results expected from the project;
4. An action plan describing the activities and resources needed to reach the stated objectives of the project;
5. An evaluation plan describing the applicant's proposed method to evaluate the progress and outcomes of the project; and
6. A budget listing how requested funds will be used to support the action plan.

Appropriate budget forms are supplied with application forms.

(b) Each application will contain specific, expanded definitions of these criteria to assist applicants to develop appropriate information for the grant application.

N.J.A.C.

15:21-1.5 Reports and audits

Grant recipients shall be required to submit reports and financial audits as specified by the State Librarian in the grant announcement.

N.J.A.C.

15:21-1.6 Notification of applicants

Applicants will be informed of the State Librarian's recommendations of approval or rejection within 90 days of application deadline.

N.J.A.C.

15:21-1.7 Appeal procedure

Appeals from any action of the State Librarian regarding the rules in this subchapter may be requested, and opportunity given for an informal fair hearing before the State Librarian. In the event of an adverse decision after such informal hearing, applicants may request a formal

hearing pursuant to N.J.S.A. 18A:6-9 et seq., 18A:6-24, 18A:6-27 and Reorganization Plan 002-1996. Such hearing shall be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq. and 52:14F et seq., as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1).

Last updated: November 10, 2001.