

AN ACT concerning the dissolution of free public libraries and supplementing chapter 54 of Title 40 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. Any free public library established by referendum pursuant to R.S.40:54-1 et seq., may be dissolved, provided the dissolution is approved by a majority of the legal voters of the municipality, at an election, general or special, at which the question of the library's dissolution shall be submitted to a vote by direction of an ordinance adopted for that purpose.

b. The municipal clerk shall cause public notice of such general or special election to be given by advertisement, signed by the clerk and set up in at least five public places in the municipality for at least 10 days previous to the date of such election and published for the same period in two newspapers printed or circulated therein.

c. The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for 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 a plus (+) in the square at the left of the word "NO."

"Shall the free public library in

YES (name of municipality)

be dissolved, effective..... (date of dissolution)?"

NO

d. The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of the governing body.

e. If a majority of the votes so counted shall be in favor of the dissolution of the free public library, the provisions of the question shall be deemed to have been adopted.

f. If the question presented in subsection c. of this section is approved, the municipality in which the free public library is located shall assume the assets and liabilities of the free public library upon the date of dissolution.

2. This act shall take effect immediately.

STATEMENT

This bill provides a mechanism for the dissolution of municipal free public libraries. This addresses a recent judicial decision of the Passaic County Superior Court which held there was no mechanism in New Jersey statutory law to facilitate the dissolution of free public libraries. Municipalities may find it cost effective to dissolve their free public library as a result of decreased circulation or a desire to share library services with an adjoining municipality. Under the bill, the governing body could adopt an ordinance requiring the submission of a public question to dissolve the free public library. A public question would then be placed on the ballot in the municipality asking if the library should be dissolved. If the ballot question is approved by a majority of the voters, the library would be dissolved and the municipality would assume the assets and liabilities of the library.

Concerns dissolution of free public libraries.