

CHAPTER 68

STATE LIBRARY AID AND GRANTS

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.1995 d.290, effective May 12, 1995.
See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

Executive Order No. 66 (1978) Expiration Date

Chapter 68, State Library Aid and Grants, expires on May 12, 2000.

Chapter Historical Note

All provisions of this chapter were filed and became effective prior to September 1, 1969. Subchapter 2 became effective October 21, 1970 as R.1970 d.127. See: 2 N.J.R. 71(b), 2 N.J.R. 90(a). Subchapter 3 became effective September 22, 1972 as R.1972 d.186. See: 4 N.J.R. 155(a), 4 N.J.R. 262(b). Revisions became effective April 7, 1973 as R.1973 d.99. See: 5 N.J.R. 79(b), 5 N.J.R. 139(b). Subchapter 4 became effective July 1, 1974 as R.1974 d.175. See: 6 N.J.R. 223(a), 6 N.J.R. 302(a). Revisions became effective September 18, 1975 as R.1975 d.275. See: 7 N.J.R. 356(a), 7 N.J.R. 460(a). Further revisions became effective April 7, 1978 as R.1978 d.121. See: 10 N.J.R. 95(a), 10 N.J.R. 183(b). Further amendments became effective May 15, 1980 as R.1980 d.224. See: 12 N.J.R. 175(a), 12 N.J.R. 307(b). Amendments became effective June 6, 1983 as R.1983 d.198. See: 15 N.J.R. 196(a), 15 N.J.R. 890(c). Subchapter 2 was readopted effective April 12, 1985 with amendments effective May 6, 1985 as R.1985 d.207. See: 17 N.J.R. 346(a), 17 N.J.R. 1078(a). Subchapter 5 became effective July 21, 1986 as R.1986 d.278. See: 18 N.J.R. 595(b), 18 N.J.R. 1459(a). Subchapter 7 became effective April 20, 1987 as R.1987 d.183. See: 19 N.J.R. 6(a), 19 N.J.R. 634(a). Subchapter 8 became effective April 20, 1987 as R.1987 d.182. See: 19 N.J.R. 7(a), 19 N.J.R. 635(a). Subchapter 9 became effective April 20, 1987 as R.1987 d.181. See: 19 N.J.R. 8(a), 19 N.J.R. 635(b). Chapter 68, State Library Assistance Programs, was readopted as R.1990 d.179, effective February 26, 1990. The reoption included the adoption, effective March 19, 1990, of new Subchapters 1, General Provisions; 3, Incentive Grant Program; 7, Institutional Library Services and 8, Municipal Branch Library Services. Subchapter 1 was recodified as Subchapter 2, State Library Aid, with amendments. Subchapter 3 was recodified as 4, Emergency Aid, with amendments. Subchapter 4 was recodified as 5, Library Construction Incentive Program, with amendments. Subchapter 5 was recodified as 6, Audio-Visual Public Library Services, with amendments. Subchapter 8 was recodified as Subchapter 9, Collection Evaluation and Development, with amendments. Subchapter 9 was recodified as Subchapter 10, Maintenance of Library Collections, effective March 19, 1990. Subchapters 2, 6 and 7 were repealed and replaced, effective March 19, 1990. Chapter 68 was readopted effective February 26, 1990. See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c). Chapter 68 was readopted as R.1995 d.290, effective May 12, 1995. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

6:68-1.1 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.

Amended by R.1995 d.290, effective June 5, 1995.
See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

6:68-1.2 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 on site, 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 non-print resources such as art works and objects.

“Audio-visual 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.

“Audio-visual public library services” means provision of access to audio-visual materials to clientele of a public library.

“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.

6:68-4.6 through 6:68-4.8 (Reserved)**6:68-4.9 (Reserved)**

Amended by R.1983 d.198, effective June 6, 1983.
See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).
Added last sentence.

SUBCHAPTER 5. LIBRARY CONSTRUCTION INCENTIVE PROGRAM

6:68-5.1 Purpose

Under the provisions of the New Jersey Library Construction Incentive Act, N.J.S.A. 18A:74-14, the State Librarian, as the designated representative of the Commissioner of Education of the State of New Jersey, is authorized to supervise and administer State funds to assist in the construction, expansion, renovation or acquisition of a public library building. The following are minimum requirements for participation in the grant program.

As amended, R.1983 d.198, eff. June 6, 1983.
See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

Section title changed from "Introduction" to "Scope and purpose". Also, added "rehabilitation or acquisition" of library buildings. Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Administrative Correction: changed 18A:174-14 to 18A:74-14.
See: 22 N.J.R. 2359(a).

6:68-5.2 Eligible projects

(a) The following types of construction are eligible for a grant:

1. Construction of a new building;
2. Acquisition of an existing building adaptable for use as a public library;
3. Addition to an existing building; or
4. Renovation of an existing building.

(b) All projects shall meet the minimum size criteria in N.J.A.C. 6:68-5.4(f).

(c) The acquisition or substantial renovation of an existing structure may be an eligible project. If eligible, the acquisition or the renovation must be extensive and clearly not routine maintenance and repair. In no case may costs for furnishings and equipment in excess of 30 percent of the total renovation costs of the project be considered eligible for matching.

(d) An application(s) may be submitted combining renovation and construction of an addition. An acquisition or renovation application must result in total floor space which, when added to the floor space of the existing structure, shall meet the minimum size criteria in N.J.A.C. 6:68-5.4(f).

(e) A renovation analysis and program must be prepared by a registered architect and shall be part of the application. The architect shall also certify that the proposed renovated structure and all its component parts shall have a life expectancy of 20 years or more. Studies made by the architect regarding the following shall be submitted in substantiation of the suitability and practicality of the acquisition or renovation:

1. The building shall be examined to determine that it is structurally sound;
2. The building shall be examined to determine if it is suitable for acquisition or renovation and upon completion will require no more than normal, annual maintenance;
3. Careful analysis of the space requirements and allocation of space shall be made to determine if the structure, as acquired or renovated, will meet modern concepts of library services to the community it serves;
4. All mechanical aspects of construction shall be carefully analyzed to determine the need for replacement or improvement.

(f) Minimum size for any new construction project shall be 3,500 square feet of floor space.

(g) Preliminary applications may be accepted for review which, while being innovative or providing a unique service fail to meet the criteria outlined in this section. Exceptions may be considered where the public library building program demonstrates initiative and seeks to solve local problems in an original or cost-effective manner.

(h) The signing of construction contracts before full approval by the State Librarian shall make the project ineligible.

As amended, R.1983 d.198, eff. June 6, 1983.
See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

Deleted ineligibility of school libraries and public-school library combinations to receive construction grants. Renumbered old (d)-(g) as new (d)-(f).

Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Recodified from 6:68-5.3 and amended by R.1995, d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

6:68-5.3 Eligible project costs

(a) Eligible project costs are enumerated under Section of N.J.S.A. 18A:74-14.

(b) In order to promote the construction of projects in a economical manner, a ceiling periodically shall be set by the State Librarian on maximum per square foot project cost beyond which project costs will not be eligible in the computation of the State share of funding.

(c) Should some portion of the proposed construction be intended for use for other than library purposes, such

municipal offices or a general municipal meeting room, this space may not be included in the computation of available square feet of space. Construction costs relating to these nonpublic-library-use areas are not eligible to be used for matching purposes. The application must clearly designate the nonpublic-library-use areas and their related costs. Reimbursable costs must be reduced by the amount of those related costs. The cost of any shared-space submitted for reimbursable purposes must be prorated on the basis of the percentage of library use, for example a meeting room that will be used 50 percent of the time by the public library is eligible to be reimbursed only 50 percent of those costs.

(d) Costs for renovation of an existing structure to be included together with costs of an addition will be computed separately and not averaged to determine amount of grant.

Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Added new (d).

Recodified from 6:68-5.4 and amended by R.1995 d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

6:68-5.4 Project criteria

(a) All applications must meet the requirements and criteria of these regulations. Those interested in applying for possible exceptions must request an interview with the State Librarian. Exceptions to the requirements and criteria may be allowed.

(b) During the calendar year prior to submission of application, a municipal, joint or association library shall have received tax support at the level equal to at least 1/3 of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of Taxation in the Department of the Treasury. A county or regional library, during the calendar year prior to submission of application, shall have received tax support at the level equal to at least 1/15 of a mill on every dollar of the apportionment valuation.

(c) During the calendar year prior to submission of application, the library shall have met the minimum criteria for receipt of State Library Aid (N.J.A.C. 6:68-2) or submit a plan detailing steps to meet all the criteria which is acceptable to the State Librarian.

(d) The applicant must be in possession of a fee simple title or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than 20 years. Ownership of site by the applicant includes ownership of the land and by the municipality(ies) of the applicant or the county(ies) in the case of a county or regional library application, provided that such land has been formally dedicated to library use. In the case of an association library, title to the land and building shall be in the name of the municipality in which the library is located.

(e) The applicant must have local matching funds for the project (the difference between project costs and the potential grant award) before final approval can be given. Within three months following notification of eligibility for a grant award, evidence must be submitted that funds have been appropriated for financing of the project. Such evidence shall include copies of the ordinance of appropriation passed on final reading and approved.

(f) Floor space is meant to include total square footage of space available for public library purposes including outer walls, areas provided for mechanical equipment and maintenance requirements and storage. These areas must have heat, light and ventilation and square footage commensurate with their purposes.

1. The estimated population 10 years after the year in which application is made shall be used to determine the population base of the area served by the applicant library. For areas experiencing a population decline, the population estimate of the New Jersey Department of Labor for one year prior to the fiscal year in which the grant application is made shall be used as the population base.

2. For new construction, the population base as determined above shall be used to compute the minimum project size required to qualify as an applicant for a grant as specified in Table A.

Table A

| Population to be Served by the Project | Minimum Square Feet of Floor Space |
|--|--|
| Under 10,000 | 3,500 sq. ft. + .7 sq. ft. per capita over 5,000 pop. |
| 10,000-25,000 | 7,000 sq. ft. + .6 sq. ft. per capita over 10,000 pop. |
| 25,000-50,000 | 16,000 sq. ft. + .45 sq. ft. per capita over 25,000 pop. |
| 50,000-100,000 | 27,250 sq. ft. + .35 sq. ft. per capita over 50,000 pop. |
| 100,000-200,000 | 44,750 sq. ft. + .25 sq. ft. per capita over 100,000 pop. |
| 200,000-500,000 | 69,750 sq. ft. + .2 sq. ft. per capita over 200,000 pop. |
| 500,000 + | 129,750 sq. ft. + .15 sq. ft. per capita over 500,000 pop. |

3. If the project is an addition to an existing building, the new construction for the addition must result in total floor space, which when added to the floor space of the existing structure, shall meet the minimum size criteria as shown in Table A.

4. The percentages in Table B below may be used to reduce the floor space requirements in Table A above for the construction, acquisition or renovation of a central library.

Table B

| Population Served by Central Library | Percent of Allowable Reduction |
|--------------------------------------|--------------------------------|
| Under 39,999 | 25 |
| 40,000- 49,999 | 26 |
| 50,000- 59,999 | 27 |
| 60,000- 69,999 | 28 |
| 70,000- 79,999 | 29 |
| 80,000- 89,999 | 30 |
| 90,000- 99,999 | 31 |
| 100,000-109,999 | 32 |
| 110,000-119,999 | 34 |

| Population Served by Central Library | Percent of Allowable Reduction |
|---|-----------------------------------|
| 120,000-129,999 | 36 |
| 130,000-139,999 | 38 |
| 140,000-149,999 | 40 |
| 150,000-159,999 | 42 |
| 160,000-169,999 | 44 |
| 170,000-179,999 | 46 |
| 180,000-189,999 | 48 |
| 190,000-199,999 | 50 |
| 200,000-209,999 | 52 |
| 210,000-219,999 | 54 |
| Over 219,999 | 55 |

(g) Library buildings and facilities shall be designed in accordance with State and Federal minimum standards for providing barrier-free access for physically handicapped people.

1. The applicant shall also comply with N.J.A.C. 5:23-7, Barrier-Free Subcode, pursuant to N.J.S.A. 52:32-4 through 12.

2. This document may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

3. The applicant shall also comply with N.J.A.C. 5:23-7, Barrier-Free Subcode pursuant to N.J.S.A. 52:32-4 through 12.

(h) All New Jersey labor laws and regulations must be adhered to when applicable.

(i) All contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding as specified in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(j) In developing plans for public library facilities, the local and State codes with regard to fire and safety will be observed. In situations where local fire and safety codes do not apply, recognized State codes shall be observed.

As amended, R.1983 d.198, eff. June 6, 1983.
See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

In (g), 1980 publication adopted by reference and added new 1.-2. In (i), equipment procurement contracts increased from \$2,500 to \$4,500.

Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Recodified from 6:68-5.5 and amended by R.1995 d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

6:68-5.5 Priorities for the receipt of construction grants

(a) General provisions for priorities for the receipt of construction grants shall include the following:

1. Those applications properly submitted and found to be in an approvable form shall first be assigned to one of two priority groupings as described in this section. All applications of the first priority fulfilling the criteria of these rules shall be awarded grants before applications of the second priority are funded. Availability of funds and number of applications within each priority grouping shall, within any one fiscal year, determine the projects to be funded.

2. Within each of the two priority groupings, all applications shall be ranked in terms of ability to pay by the municipalities and counties. The ratio of the average equalized valuation† of the three years preceding the date of the application to the population estimate of the municipality(ies) or county(ies) by the New Jersey Department of Labor for the year preceding the date of application shall be used as the criterion determining this financial ability. The first grant within each priority grouping shall be awarded that applicant demonstrating the least financial resources through the lowest ratio of equalized valuation to population. Each succeeding grant shall be awarded to the remaining applicant whose ability to pay is lowest.

i. First priority in award of grant shall be given to applications by municipal, joint or county libraries.

ii. Second priority in award of grant shall be given to applications by association libraries.

(b) Any previous recipient of a construction grant shall be placed automatically in the second priority and be ranked last in the priority for two fiscal years succeeding the fiscal year in which the grant was awarded, after which time it shall resume its normal status.

(c) There shall be no grant for a specific building within five fiscal years from the fiscal year in which a library construction grant previously was awarded.

As amended, R.1983 d.198, eff. June 6, 1983.

See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

Deleted old (b); old (c) renumbered new (b).

Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Recodified from 6:68-5.6 and amended by R.1995 d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

† Equalized Valuation as listed in the "Certification of Table of Equalized Valuations" promulgated annually on October 1, by the Division of Taxation, New Jersey Department of Treasury.

6:68-5.6 Amount of grant and method of allocation

(a) Generally, the minimum State share of eligible project costs of any project eligible for a grant shall be no less than 25 percent.

(b) Should funds be insufficient to allow all projects eligible for a grant to receive at least 25 percent of eligible project costs, funds shall be distributed according to priority ranking (see N.J.A.C. 6:68-5.5 until the funds are depleted).

(c) Should funds be sufficient to allow all approved projects to receive more than 25 percent of eligible project costs, the 25 percent grants shall be considered as base grants and remaining funds shall be distributed to approved applicants on the basis of the ratio of each project's square footage to the total square footage of all approved projects. The maximum grant will not exceed 50 percent of eligible project costs or \$500,000, whichever is less.

(d) Final grants shall be based on actual contract costs. When original estimated costs exceed contract costs on which basis the grant award was made, a grant may be reduced proportionately.

As amended, R.1983 d.198, eff. June 6, 1983.

See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

In (c), maximum grant increased from 40 to 50 percent and \$300,000 increased to \$500,000.

Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Recodified from 6:68-5.7 and amended by R.1995 d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

6:68-5.7 Review and approval procedures

(a) Application for a grant must be in the completed official form MISC03004069, New Jersey State Department of Education Application.

(b) The application shall be made by the body charged with the responsibility for the establishment and maintenance of the library (board of trustees or county library commission, or county board of chosen freeholders as appropriate). The governing body of the municipality in which the library is located, or of the county(ies) in the case of a county library, shall be cosignor of the application.

(c) If a library facility is to be constructed by a municipality with the provision that it be equipped or stocked or staffed or supported by a library not an agency of that municipality (for example, a municipally constructed building which will be operated by a county library as a branch library), the application shall be in the names of both or all parties concerned.

(d) The person authorized to submit the application shall be an officer of the body named as applicant, preferably, the president or chairperson of this body. A statement to be signed and completed by the responsible officer of the applicant, for example, secretary of a board of trustees, shall certify this authorization. If the application is jointly submitted, an individual from each body shall be authorized and certified. The signature of each authorized person is required on the application.

(e) Building plans shall be prepared by an architect licensed by the State of New Jersey.

(f) Any changes or revisions affecting the application, including any structural changes in the building plans, shall be submitted on appropriate forms for approval. The State Librarian shall have the power to revoke approval of any application or grant for failure to submit and receive approval of substantial changes in the application.

(g) Full approval of the proposed construction project must be given by the State Librarian before construction contracts are signed.

(h) Architectural or engineering supervision and inspection will be provided by the applicant at the construction site to ensure that the completed work conforms to the approved plans and specifications. For the purpose of inspection, representatives of the State Librarian will have access at all reasonable times to all construction work being done under the New Jersey Library Construction Incentive Act, N.J.S.A. 18A:74-14 et seq. The owner and contractor will be required to facilitate such access and inspection.

(i) Construction must be initiated and completed in a reasonable period of time. Time limit for completion shall be measured from the date of application approval. In general, construction must be completed according to the following schedule:

| Total Eligible Project Cost | Maximum Construction Period |
|-----------------------------|-----------------------------|
| Under \$500,000 | One Year |
| \$500,000-\$1,000,000 | One and One-Half Years |
| Over \$1,000,000 | Two Years |

(j) In general, the grant shall be paid to the applicant in three installments as shown below, but only upon receipt of satisfactory evidence of completion of each phase. Architect's certification and on-site inspection shall be considered satisfactory evidence.

- Forty percent upon approval of the award of construction contract(s);
- Fifty percent when construction is 50 percent complete; and
- Ten percent upon submission and acceptance of audit of expenditure, subject to adjustment to reflect the actual cost.

(k) Accounts and supporting documents of the local agency shall be adequate to permit an accurate and expeditious audit. All expenditures claimed for State financial participation shall be audited either by an independent certified public accountant or an independent registered municipal accountant licensed by the State of New Jersey. Such audits shall be in accordance with generally accepted auditing standards and shall comply with guidelines established by the State Librarian.

As amended, R.1983 d.198, eff. June 6, 1983.

See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

In (d), "chairman" changed to "chairperson".

Amended by R.1990 d.179, effective March 19, 1990.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Administrative Correction to (a): Deleted text.

See: 22 N.J.R. 2359(a).

Recodified from 6:68-5.8 and amended by R.1995 d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

6:68-5.8. Reserved

Recodified as 6:68-5.7 by R.1995 d.290, effective June 5, 1995.

See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).