

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 190
SENATE BILL 201

1 AN ACT TO PROVIDE FOR THE STATE OF NORTH CAROLINA TO ENTER INTO THE
2 INTERSTATE LIBRARY COMPACT.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** The Interstate Library Compact is hereby enacted into law and entered
7 into by this State with all states legally joining therein in the form substantially as follows:

8 **"INTERSTATE LIBRARY COMPACT**

9 "Article I. Policy and Purpose

10 Because the desire for the services provided by libraries transcends governmental
11 boundaries and can most effectively be satisfied by giving such services to communities and
12 people regardless of jurisdictional lines, it is the policy of the states party to this compact to
13 cooperate and share their responsibilities; to authorize cooperation and sharing with respect to
14 those types of library facilities and services which can be more economically or efficiently
15 developed and maintained on a cooperative basis, and to authorize cooperation and sharing
16 among localities, states and others in providing joint or cooperative library services in areas
17 where the distribution of population or of existing and potential library resources make the
18 provision of library service on an interstate basis the most effective way of providing adequate
19 and efficient service.

20 "Article II. Definitions

21 As used in this compact: (a) 'Public library agency' means any unit or agency of local or
22 State government operating or having power to operate a library.

23 (b) 'Private library agency' means any nongovernmental entity which operates or
24 assumes a legal obligation to operate a library.

25 (c) 'Library agreement' means a contract establishing an interstate library district
26 pursuant to this compact or providing for the joint or cooperative furnishing of library services.

27 "Article III.

28 Interstate Library Districts

29 (a) Any one or more public library agencies in a party state in cooperation with any
30 public library agency or agencies in one or more other party states may establish and maintain
31 an interstate library district. Subject to the provisions of this compact and any other laws of the
32 party states which pursuant hereto remain applicable, such district may establish, maintain and
33 operate some or all of the library facilities and services for the area concerned in accordance
34 with the terms of a library agreement therefor. Any private library agency or agencies within an
35 interstate library district may cooperate therewith, assume duties, responsibilities and
36 obligations thereto, and receive benefits therefrom as provided in any library agreement to
37 which such agency or agencies become party.

38 (b) Within an interstate library district, and as provided by a library agreement, the
39 performance of library functions may be undertaken on a joint or cooperative basis or may be
40 undertaken by means of one or more arrangements between or among public or private library
41 agencies for the extension of library privileges to the use of facilities or services operated or
42 rendered by one or more of the individual library agencies.

1 (c) If a library agreement provides for joint establishment, maintenance or operation of
2 library facilities or services by an interstate library district, such district shall have power to do
3 any one or more of the following in accordance with such library agreement:

- 4 1. Undertake, administer and participate in programs or arrangements for
5 securing, lending or servicing of books and other publications, any other
6 materials suitable to be kept or made available by libraries, library
7 equipment or for the dissemination of information about libraries, the value
8 and significance of particular items therein, and the use thereof.
- 9 2. Accept for any of its purposes under this compact any and all donations, and
10 grants of money, equipment, supplies, materials, and services, (conditional or
11 otherwise), from any state or the United States or any subdivision or agency
12 thereof, or interstate agency, or from any institution, person, firm or
13 corporation, and receive, utilize and dispose of the same.
- 14 3. Operate mobile library units or equipment for the purpose of rendering
15 bookmobile service within the district.
- 16 4. Employ professional, technical, clerical and other personnel, and fix terms of
17 employment, compensation and other appropriate benefits; and where
18 desirable, provide for the in-service training of such personnel.
- 19 5. Sue and be sued in any court of competent jurisdiction.
- 20 6. Acquire, hold, and dispose of any real or personal property or any interest or
21 interests therein as may be appropriate to the rendering of library service.
- 22 7. Construct, maintain and operate a library, including any appropriate
23 branches thereof.
- 24 8. Do such other things as may be incidental to or appropriate for the carrying
25 out of any of the foregoing powers.

26 "Article IV. Interstate Library
27 Districts, Governing Board

28 (a) An interstate library district which establishes, maintains or operates any facilities or
29 services in its own right shall have a governing board which shall direct the affairs of the
30 district and act for it in all matters relating to its business. Each participating public library
31 agency in the district shall be represented on the governing board which shall be organized and
32 conduct its business in accordance with provision therefor in the library agreement. But in no
33 event shall a governing board meet less often than twice a year.

34 (b) Any private library agency or agencies party to a library agreement establishing an
35 interstate library district may be represented on or advise with the governing board of the
36 district in such manner as the library agreement may provide.

37 "Article V.

38 State Library Agency Cooperation

39 Any two or more state library agencies of two or more of the party states may undertake
40 and conduct joint or cooperative library programs, render joint or cooperative library services,
41 and enter into and perform arrangements for the cooperative or joint acquisition, use, housing
42 and disposition of items or collections of materials which, by reason of expense, rarity,
43 specialized nature, or infrequency of demand therefor would be appropriate for central
44 collection and shared use. Any such programs, services or arrangements may include provision
45 for the exercise on a cooperative or joint basis of any power exercisable by an interstate library
46 district and an agreement embodying any such program, service or arrangement shall contain
47 provisions covering the subjects detailed in Article VI of this compact for interstate library
48 agreements.

49 "Article VI. Library Agreements

50 (a) In order to provide for any joint or cooperative undertaking pursuant to this
51 compact, public and private library agencies may enter into library agreements. Any agreement

1 executed pursuant to the provisions of this compact shall, as among the parties to the
2 agreement:

- 3 1. Detail the specific nature of the services, programs, facilities, arrangements
4 or properties to which it is applicable.
- 5 2. Provide for the allocation of costs and other financial responsibilities.
- 6 3. Specify the respective rights, duties, obligations and liabilities of the parties.
- 7 4. Set forth the terms and conditions for duration, renewal, termination,
8 abrogation, disposal of joint or common property, if any, and all other
9 matters which may be appropriate to the proper effectuation and
10 performance of the agreement.

11 (b) No public or private library agency shall undertake to exercise itself, or jointly with
12 any other library agency, by means of a library agreement any power prohibited to such agency
13 by the constitution or statutes of its state.

14 (c) No library agreement shall become effective until filed with the compact
15 administrator of each state involved, and approved in accordance with Article VII of this
16 compact.

17 "Article VII.

18 Approval of Library Agreements

19 (a) Every library agreement made pursuant to this compact shall, prior to and as
20 condition precedent to its entry into force, be submitted to the attorney general of each state in
21 which a public library agency party thereto is situated, who shall determine whether the
22 agreement is in proper form and compatible with the laws of his state. The attorneys general
23 shall approve any agreement submitted to them unless they shall find that it does not meet the
24 conditions set forth herein and shall detail in writing addressed to the governing bodies of the
25 public library agencies concerned the specific respects in which the proposed agreement fails to
26 meet the requirements of law. Failure to disapprove an agreement submitted hereunder within
27 90 days of its submission shall constitute approval thereof.

28 (b) In the event that a library agreement made pursuant to this compact shall deal in
29 whole or in part with the provision of services or facilities with regard to which an officer or
30 agency of the state government has constitutional or statutory powers of control, the agreement
31 shall, as a condition precedent to its entry into force, be submitted to the state officer or agency
32 having such power of control and shall be approved or disapproved by him or it as to all
33 matters within his or its jurisdiction in the same manner and subject to the same requirements
34 governing the action of the attorneys general pursuant to paragraph (a) of this Article. This
35 requirement of submission and approval shall be in addition to and not in substitution for the
36 requirement of submission to and approval by the attorneys general.

37 "Article VIII. Other Laws Applicable

38 Nothing in this compact or in any library agreement shall be construed to supersede, alter or
39 otherwise impair any obligation imposed on any library by otherwise applicable law, nor to
40 authorize the transfer or disposition of any property held in trust by a library agency in a
41 manner contrary to the terms of such trust.

42 "Article IX. Appropriations and Aid

43 (a) Any public library agency party to a library agreement may appropriate funds to the
44 interstate library district established thereby in the same manner and to the same extent as to a
45 library wholly maintained by it and, subject to the laws of the state in which such public library
46 agency is situated, may pledge its credit in support of an interstate library district established by
47 the agreement.

48 (b) Subject to the provisions of the library agreement pursuant to which it functions and
49 the laws of the states in which such district is situated, an interstate library district may claim
50 and receive any state and Federal aid which may be available to library agencies.

51 "Article X. Compact Administrator

1 Each state shall designate a compact administrator with whom copies of all library
2 agreements to which his state or any public library agency thereof is party shall be filed. The
3 administrator shall have such other powers as may be conferred upon him by the laws of his
4 state and may consult and cooperate with the compact administrators of other party states and
5 take such steps as may effectuate the purposes of this compact. If the laws of a party state so
6 provide, such state may designate one or more deputy compact administrators in addition to its
7 compact administrator.

8 "Article XI.

9 Entry into Force and Withdrawal

10 (a) This compact shall enter into force and effect immediately upon its enactment into
11 law by any two states. Thereafter, it shall enter into force and effect as to any other state upon
12 the enactment thereof by such state.

13 (b) This compact shall continue in force with respect to a party state and remain binding
14 upon such state until six months after such state has given notice to each other party state of the
15 repeal thereof. Such withdrawal shall not be construed to relieve any party to a library
16 agreement entered into pursuant to this compact from any obligation of that agreement prior to
17 the end of its duration as provided therein.

18 "Article XII.

19 Construction and Severability

20 This compact shall be liberally construed so as to effectuate the purposes thereof. The
21 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of
22 this compact is declared to be contrary to the constitution of any party state or of the United
23 States or the applicability thereof to any government, agency, person or circumstance is held
24 invalid, the validity of the remainder of this compact and the applicability thereof to any
25 government, agency, person or circumstance shall not be affected thereby. If this compact shall
26 be held contrary to the constitution of any state party thereto, the compact shall remain in full
27 force and effect as to the remaining states and in full force and effect as to the state affected as
28 to all severable matters."

29 **Sec. 2.** No county, municipality, or other political subdivision of this State shall be
30 party to a library agreement which provides for the construction or maintenance of a library
31 pursuant to Article III, subdivision (c)7 of the compact, nor pledge its credit in support of such
32 a library, or contribute to the capital financing thereof, except after compliance with any laws
33 applicable to such counties, municipalities, or other political subdivisions relating to or
34 governing capital outlays and the pledging of credit.

35 **Sec. 3.** As used in the compact, "state library agency", with reference to this State,
36 means The North Carolina State Library.

37 **Sec. 4.** An interstate library district lying partly within this State may claim and be
38 entitled to receive State aid in support of any of its functions to the same extent and in the same
39 manner as such functions are eligible for support when carried on by entities wholly within this
40 State For the purposes of computing and apportioning State aid to an interstate library district,
41 this State will consider that portion of the area which lies within this State as an independent
42 entity for the performance of the aided function or functions and compute and apportion the aid
43 accordingly. Subject to any applicable laws of this State, such a district also may apply for and
44 be entitled to receive any Federal aid for which it may be eligible.

45 **Sec. 5.** The State Librarian shall be the compact administrator pursuant to Article X
46 of the compact. The State Librarian may appoint one or more deputy compact administrators
47 pursuant to said Article.

48 **Sec. 6.** In the event of withdrawal from the compact the Governor shall send and
49 receive any notices required by Article XI (b) of the compact.

50 **Sec. 7.** All laws and clauses of laws in conflict with this Act are hereby repealed.

51 **Sec. 8.** This Act shall become effective upon its ratification.

1
2 1967.

In the General Assembly read three times and ratified, this the 12th day of April,