State Legislation Relating to Library Systems

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In order to comment on state legislation relating to library systems, one first must attempt to define the term "library system," an intellectual exercise of infinite possibilities. A query of the most promising source of assistance, the fifty state librarians or heads of state library agencies, about library system development—planned or existent—in their states, reveals "57 varieties" of interpretations of "library system."* In this variety, the state librarians are typical of their fellow members of the profession.

A few librarians exhibit a catholic view, applying "library system" to activities of all types of libraries, but most librarians tend to limit their use of the phrase to public library activities. Although numerous, public library systems (as "systems" are defined below) may not be the most common type of system. School library systems probably far outnumber their public library counterparts. Additionally, there are systems in the academic and special library areas.

In the historical perspective, this predominant identification of systems with public libraries is understandable. The public library's goal of the larger library unit as the means of ultimately bringing library

* While the variety of systems, the incomplete state of the profession's statistical and informational gathering apparatus, and a traditional orientation to public libraries make it difficult for most state library agencies to have a complete knowledge of system development in their states, these agencies are the most likely to have a breadth of information. In January 1970, the author queried the state librarian or head of the state public library agency of each of the fifty states regarding the existence and organization of library systems, development plans, and legislative needs for system development. Forty-five states provided usable responses. Copies of appropriate statutes supplied with these responses and the texts of statutes given for each of these states in Alex Ladenson's American Library Laws, 3d edition (Chicago, ALA, 1964), and its First Supplement, 1963-1964 (1965), Second Supplement, 1965-1966 (1967), and Third Supplement, 1967-1968 (1969), also supplied data. The information given and the interpretations made in this chapter are based largely on the replies to the queries, on American Library Laws, and on the author's personal knowledge of system development in various states.

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service to all was the genesis of the concept of systems. The persistence of the identification of systems largely with public libraries thus is understandable. However, as the demands on libraries, media centers, and information centers grow in volume and complexity, interdependence is increasingly recognized by libraries as a necessity, governmental and other organizations become more complicated, and state and federal officials recognize a responsibility for library activities and development. The system concept is changing; systems increasingly are seen less as public library units serving larger areas and more as library units involving libraries of various types in interorganizational or intergovernmental relationships and as emphasizing qualitative rather than quantitative aspects of service.

In another dimension, the variety of forms known to various librarians as “library systems” has caused confusion. This variety has been noted in recent public library literature. The authors of Minimum Standards for Public Library Systems, 1966 wrote: “So diverse has been the development [of library systems] that it is difficult to define a system exactly.” In reporting its recent studies on systems, Nelson Associates noted: “The term is used in a variety of ways . . . responses showed that it is subject to even wider interpretation than we had supposed at the beginning of the study.” Ruth Boaz, writing on the problems with library statistics in this period in which the organizational form of the public library is undergoing an accelerated evolution, comments: “The word ‘system’ has been given such broad interpretation in library law and literature as to render it statistically useless.”

In view of the great variety of interpretations of “library system,” the difficulties in constructing a series of definitions, applicable to libraries of all types, is apparent. However, if we accept the probability of some exceptions, several generally distinctive groups of “systems” may be identified.

All of these systems have in common, in addition to their operation in a library environment and their goal of improved library service, a formal basis in statute, state regulation, or contract and the possibility of operating as a system at one level and at the same time operating as a subsystem in another context.

In these definitions several terms appear which may need elaboration. An “authority” is that political unit, corporation, or institutional administration which by law, tradition, or administrative prerogative is empowered to provide library service. The test of whether or not a unit is an authority is a matter of contractual power; an entity having
such power is an authority. "Constituents" are those students, employees, or members of the public for whom an authority has or accepts the responsibility of providing library service. "Jurisdiction" is the constituency or geographical area in which an authority is responsible for providing library service. While a library jurisdiction may be, and frequently is, coterminous with the limits of political jurisdictions such as towns, school districts, and counties, such coterminous condition is coincidental, albeit convenient, in defining library systems. This distinction is important since a frequent cause of confusion, particularly in the public library area, is the equating of the library jurisdiction with a political jurisdiction because the geographical boundaries of both happen to be identical. Conceptually, the library system primarily should be seen in terms of its own service responsibilities and the organizational form which is desirable in meeting these responsibilities.

"General purpose library service" and "general purpose" indicate the provision of the range of library materials and services which are considered to be basic by the providing library. "Special purpose library service" and "special purpose" mean one or more separate library functions, either basic or supplementary, but the functions of which are in sum less than the full range of materials and services considered to be basic. A "service point" is a physically separate location or facility at which library service is provided. (For example, a dormitory collection and the main university library are two different service points. The circulation department and the special collections, both housed in the main university library, are considered to be parts of one service point, the main library.)

I identify four types of systems:

1) Single Jurisdiction System: a library organization responsible to only one authority, and providing general purpose library service from multiple service points to the constituents of that authority. Examples of the single jurisdiction system include a university library in which departmental libraries are under the administration of the director of libraries, a school system with central supervision of the instructional media centers in the system's individual schools, a city library with city branches, a multicounty library having its own headquarters and bookmobiles or branches, or an entire state served by the state library agency through local service points throughout the state. The single jurisdiction system usually is the result of organizational evolution in which additional service points are established as the demands and

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support of a library grow. Less frequently this system is created when two or more authorities merge to form a single authority; in this case the system might correctly be referred to as a consolidated single jurisdiction system (as opposed to what might be called an “evolved” single jurisdiction system). Sometimes the term “consolidated” is applied when an authority contracts with another authority for the provision of a unified service for the respective jurisdictions. This use is inaccurate; unless a merger resulting in only one authority has occurred, the system is not consolidated.

2) **Multiple Jurisdiction System:** A library organization operated by one authority singly or by two or more jointly under a contract between two or more authorities, and providing general purpose library service from multiple service points to the constituents of the two or more authorities contracting for the service. The multiple jurisdiction system usually involves only public libraries, but occasionally it is found among other types of libraries. Examples include a small rural library operated by agreement between it and a larger neighboring library with the residents of both jurisdictions having reciprocity of use of both libraries, a county seat public library with which the county government contracts for service by bookmobile and access to the town library for county residents, and the joint operation of academic library facilities by two adjacent universities.

3) **Cooperative System:** A library organization created and governed by two or more authorities operating their own libraries for the purpose of providing themselves with one or more special purpose library services and, where appropriate, of assuring the provision of general purpose library service to an area for which the system may be responsible. The authorities creating the system may establish a separate authority or may designate an existing organization coincidentally as the organization for the operation of the system. Each participating authority continues to operate its library and to have responsibility for library service in the authority’s jurisdiction, retains its basic administrative independence, and contributes one or more resources (materials, personnel, services, finances) to the system.

Cooperative systems providing special purpose library services undoubtedly are more numerous than those in the general purpose category, although no census of systems as defined here has been made. The special purpose cooperatives may be established to provide such services as centralized purchasing, technical processing, special collection development, or specialized reference and research service.
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Such systems frequently begin with the provision of one service, but add other special purposes as the system matures. Special purpose cooperative systems which involve the various types of libraries are found in both homogeneous and heterogeneous organizations. Examples of the special purpose cooperative system are a central serials collection and copy service for an association of college libraries, a common film library for a group of school districts, a depository for the little-used materials of a group of research libraries, a special information service for the public libraries of an area, and a regional technical processing center for schools, junior colleges, and public libraries.

By definition only public libraries would likely be members of general purpose cooperative systems. (One can imagine only with difficulty a circumstance where a library other than a public library would recognize any responsibility for assuring the provision of general purpose library service to an area outside the local library authority’s immediate jurisdiction.) An example of the general purpose library cooperative system would be an organization formed by the action of the boards of a group of public libraries to use state and local funds in order to provide their libraries with special consultant and advisory services, with loan and reference services to supplement the local services, with reciprocal borrowing privileges, and with access to a union catalog of holdings of member libraries. The organization might further provide bookmobile and other services to the areas adjacent to the member libraries which are without local library service.

4) State-wide Hierarchal System: an arrangement sponsored by the state to provide library services to meet the needs of every resident through the incorporation of the libraries in the state in a hierarchy, each level of which has increased capacity as a library resource. There may be as few as two (local and state resources) or as many as five levels (e.g., local, county, district, regional, and state resources). The libraries in the arrangement may or may not receive financial support from the state; if they participate in the determination of policies, selection of programs, evaluation of services, etc., the participation will likely be limited to an advisory role. This arrangement may involve only public libraries or it may involve libraries of all types. An example of a state-wide hierarchal system is a state with an arrangement in which the local public, school, or other library may apply to a larger public or academic library serving as a district library for materials the local library does not have or for assistance with reference questions the local library cannot answer. The district library in turn may
apply to a larger public, academic, or special library, at the regional level. The regional library then has access to the state library, the library of the state university, and other state level resource centers.

Having now identified and described library systems as they appear today, we can distinguish those concerned with state legislation. Generally, only systems having a governmental status (i.e., specifically authorized by law or state agency directive, subject to state regulations, or supported by public funds) or consisting in whole or in part of libraries having a governmental status are directly involved with legislation.

For nongovernmental libraries, participation in the establishment, operation, support, etc., of a system involving other nongovernmental libraries is a matter of decision by their authorities and is accomplished through the exercise of the provisions of general contract law. Thus while systems like the libraries of the Standard Oil Company, New Jersey, and New York City (single jurisdiction systems), the Joint University Libraries, Nashville (multiple jurisdiction system), and the centralized serials servicing activity of the libraries of the Associated Colleges of the Midwest, Chicago (cooperative system) may have a professional concern with state legislation, they are not usually directly involved. Except for those relatively few cases where a nongovernmental library participates in a mixed system, i.e., one which includes both governmental and nongovernmental libraries, the latter libraries are outside the scope of system legislation.

Logically, the single jurisdiction system would be the oldest form of system, and may first have appeared about 1870 when the Boston Public Library established what is generally considered to be the first modern branch library.5 With the development of departmental libraries in state supported institutions of higher education, the development of the concept of school library service accessible to every child through school libraries, classroom collections, and school bookmobiles, and the establishment by some state libraries of area or regional branches and bookmobile service, single jurisdiction systems became common in all types of publicly supported libraries. In the case of colleges, universities, and schools the authority for the development of these systems customarily is inherent in the institution’s general authority, although the statutes in various states occasionally may specifically give these types of libraries a responsibility for developing multiple library service points and thereby create single jurisdiction
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systems. Consolidations of these institutions occasionally might also create such systems, although this certainly would be an infrequent method.

A public library may become a system of this type by developing multiple service points in its jurisdiction or by the merging of several libraries. For half of the states, the public libraries have specific statutory power to establish branches and in 10 percent to operate bookmobiles. However, in the remaining states specific authority for the development of multiple service points is apparently not needed. This type of system also may be created by merger or consolidation. However, a review of the laws indicates that only twenty-three states authorize the mergers of public libraries, and in the absence of such specification, authority for merger cannot be presumed. A survey of the public library listings in the American Library Directory, 1968-1969 indicates that every state has at least one public library system of the single jurisdiction type. The number of these systems is probably relatively small; on the basis of a sampling of these American Library Directory listings, an estimated 20 percent may be of this type. Of this number very few would be the result of consolidations.

Special note should be made of the one state-wide single jurisdiction system that does exist. Since 1961 all public library service in Hawaii has been provided by the Hawaii State Library System. (Several other states operate systems which are an exception to the definition only in that they directly serve only a part of their constituency, e.g., the otherwise unserved or the residents of a part of the jurisdiction through a regional service point.)

While the wide development of single jurisdiction systems could contribute significantly to the achievement of better library service, history indicates that their growth will probably be slow. The deterrents are several and major. The smallness of the jurisdiction and the lack of funds are the usual reasons for the failure to develop multiple service points. Many public libraries are an activity of an authority of general government (e.g., municipalities, townships, and counties). In these cases a library’s jurisdiction is coextensive with the jurisdiction of the parent unit of government, and the library usually cannot extend the boundaries of its jurisdiction unless the parent political entity extends its boundaries, a move many “parents” cannot or do not wish to make. For the relatively few public libraries which are their own authorities and have the legal authority to do so, merger with another
authority is a possibility, although rarely a probability. Local pride and the traditional dedication to the principle of local rule are strong deterrents to merger efforts.

Some states (possibly as many as twenty), principally those in which the traditional pattern of public library development has been the establishment of single jurisdiction systems consisting of county, multi-county, or state-wide library services, indicate that this type of system currently is and foreseeably will be a major goal. The majority, however, plan to give priority to the encouragement of multiple jurisdiction, cooperative, or state hierarchal systems.

Despite the obstacles to the development of single jurisdiction systems as effective units for local service and as the stronger form of the basic block in the building of other types of systems, these systems deserve encouragement. To this end the enactment of legislation is needed by most states which would 1) permit public libraries to have jurisdictions independent of other municipal or governmental bodies, and 2) permit the merger or consolidation of two or more public library authorities.

Several states provide specific financial incentives as inducements to consolidations. For example, California gives $10,000 to each consolidated library jurisdiction for each of two years, and Connecticut, by providing that libraries serving 10,000 population or more receive an additional grant from the state, encourages small town libraries to combine to reach that service population.

The first multiple jurisdiction system has not been noted in the professional literature, but almost certainly the system involved public libraries. The contractual operation of the libraries of academic institutions, schools, businesses, etc., by similar institutions is so unlikely that the consideration of the multiple jurisdiction system is limited to a public library context.

Early examples of this system may have been the contractual arrangement used by the Hackley Library in Muskegon, Michigan, which served the suburban Muskegon Heights, as noted in 1928,7 or the service given under contract by Bangor or Gardiner, Maine, to groups of adjacent rural towns under an arrangement called "library district service," in 1928-1931.8 A census of this type of system is difficult. The fact that library service in a given community is being provided under a contractual arrangement is rarely known. Contractual arrangements are easily accomplished and as easily terminated. They generate little or no publicity. There is little or no external evidence
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to indicate whether a service is indigenous or is provided by contract. Their existence is so unobtrusive that there is no available estimate of the number of multiple jurisdiction systems in existence.

Every state, except Hawaii (where state-wide service precludes any need for contractual authority to facilitate public library service), authorizes its libraries to enter into contractual arrangements for the provision of service. In most states public libraries specifically have this contractual authority. In a few, the authority is general for governmental bodies, including libraries, under statutes identified as Joint Exercise of Powers and Interlocal Agreement Acts.

While the establishment and operation of multiple jurisdiction systems contribute to the general development of public library service, systems of this type are seen as a major goal of library development in only about 10 percent of the states, and these tend to be ones in which county and multicounty libraries predominate.

No state indicates a present need for statutory changes to facilitate the existence of these systems. However, those few states without contractual authority for their libraries might well consider the desirability of enacting such legislation. Such legislation not only would provide an alternative for the achievement of larger units of service but also would provide authority for those libraries ultimately to participate in cooperative systems, and such participation may require contractual authority. Finally, legislation providing financial assistance to multiple jurisdiction systems would encourage their development.

The origins of the cooperative system, like those of the previously discussed systems, have not been documented. Of the two subtypes of this system—the special and the general purpose—the special was probably the first to appear. One can only speculate that the precursor was a somewhat informal or simple arrangement between several libraries to solve a common problem through mutual continuing action. The oft-cited agreement in 1897 between the three Chicago “public” libraries—the John Crerar, Newberry, and Chicago Public—by which each would build its collection in a different general subject area and thereby reduce meaningless duplication was such an early activity. Since then many special purpose cooperative activities involving all types of libraries and varying in degree of complexity have been initiated. Examples of these activities include union catalog operation, technical processing, publishing, storage of little-used materials, sharing of specialist personnel, training opportunities, coordinated collection building, special collection development, and pooled purchasing.
to participate in these cooperative endeavors rests in the administrative and contractual powers of a library's authority. Most governmental authorities have this contractual power either under specific or general statute. The lack of authority to be a party to a special purpose cooperative system is not reported as a problem among governmental libraries. In those few states where governmental units can only engage in those activities for which there is specification in law, the law governing the various authorities may need amendment to permit participation in the special purpose cooperative system. A special problem may arise when cooperative library service across state lines is desired or when a system involving both governmental and nongovernmental libraries desires governmental status.

For interstate activities of other than the most elementary sort, a legal instrument is needed which will have equal effectiveness in each state involved. Such an instrument is an interstate compact, adopted as an identical statute in each state and in its form a contract among these states. The first compact was enacted by Illinois in 1961. Since then at least twenty other states have passed such legislation—eight in 1963, five in 1965, and seven in 1967. One state reported that legislation for this purpose was to be introduced in 1970. These compacts have been used in the establishment of such interstate public library activities as film services, technical processing, recruiting, and journal publication.

There are two forms of these compacts, the one adopted by the state of Illinois and the one developed in 1962 by the Council of State Governments at the request of the New England state librarians. Five contiguous midwestern states have the Illinois form, and the others—principally states in the Northwest and the Northeast—have the Council of State Governments (CSG) version. This variance of form poses a potential problem. Mitchell Wendell, the counsel who developed the CSG’s version, says “An interstate compact is a contract among states, as well as a statute in each of them. Consequently the contractual element fails, and the compact itself does not come into effect, unless each party enacts the same document.” 10 A problem will appear when two libraries, each in a state with a different form of compact, wish to participate in a cooperative interstate activity. Currently only two adjacent states—North Dakota and Minnesota—are known to have different forms. Apparently they have not seriously contemplated interstate activities as yet, but with an indicated trend toward the adoption of a compact by all states, this potential problem will increase.

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As governmental and nongovernmental libraries increasingly recognize the necessity of interdependence, and an arrangement more formal than that which can be supported by simple contractual arrangements is required, a cooperative system involving these libraries is a possibility. Unlike systems consisting wholly of nongovernmental units or wholly of governmental units, special legislation is likely to be necessary where both are involved. In 1967 Indiana enacted a Library Services Authority Act, an act enabling governing authorities to jointly establish an independent municipal corporation, having all powers, privileges, and authority except that of levying taxes, and for the purpose of providing such library services as the participating authorities determine. In anticipation of a time when both governmental and nongovernmental libraries might need an organization for a joint activity, the Library Services Authority Act included both of these types of libraries in the definition of "governing authority." New York, under the regulatory authority of the Commissioner of Education, provides for the mixing of the two types of libraries in the library reference and research resources systems. These regulations provide that public library systems, other libraries, institutions of higher education, and other nonprofit educational institutions may organize a chartered educational institution for reference and research library purposes.

In recent years there has been an increasing attention among states and public libraries to the cooperative library system as a vehicle for state-wide library development. The system in this context first appeared in New York as a result of the law enacted in 1958, providing for the establishment of a "cooperative system" by action of the boards of trustees of the public libraries which would make up the system membership. Major features of this system are self-determination of membership, self-government within the framework of a general law and administrative regulations, identification by the system of the program and services to be provided, emphasis on service to member libraries rather than to individuals, and state financial assistance ("state aid"). So acceptable was this concept that by 1962 the objective of covering the state with public library systems had been accomplished, largely through the establishment of cooperative systems. In 1963 California adopted a system law with provisions similar to the New York law. By the end of the fiscal 1967-68, thirteen cooperative systems had been formed, which with seven single jurisdiction systems, now provide state-wide coverage. In 1965 Illinois also enacted legislation similar to that of New York, and by 1967, the objective of state-wide
coverage by systems (all but one a cooperative system) had been achieved. Among other states which have examples of cooperative systems, generally similar to those of New York, California, and Illinois, are Colorado, Kansas, Michigan, Minnesota, and New Jersey.

In most states with cooperative systems, the authority for system existence is statutory, with more specific direction to be found in regulations of the state library agency, but in a few the state agency’s regulatory authority is considered to be sufficient for the creation and operation of such systems. Where regulatory authority alone is used to develop systems, the state aid will probably be from federal funds; if these funds are withdrawn the continuation of the cooperative systems authorized solely by regulation is questionable. The advantage of the regulatory authority is that regulations are more easily and quickly established, changed, or deleted; the disadvantage is the lesser degree of permanence. The most satisfactory authority would appear to be a combination of law and regulations.

Although only about 20 percent of the states have general purpose cooperative systems, such cooperative systems are an immediate goal for another 40 percent. Several states recently have enacted legislation which reportedly will provide for cooperative systems, and several more states report planning underway for legislative programs to this end. The remaining 40 percent of the states indicate that cooperative systems are not a goal because their states 1) currently have statewide service for the entire state through single or multijurisdictional systems or direct service from the state (e.g., Hawaii, New Mexico, and Vermont), 2) have not yet developed or had accepted a statewide plan, or 3) are still working on programs to develop community or local libraries.

The recent evaluation of the systems in New York, the state with the most experience with this form of organization for library service and thus an indicator of the future of cooperative systems elsewhere, notes that “there is . . . evidence that we may be approaching the point in New York State where the dominant image of the public library is one of usefulness; where there finally are enough successes to beget further successes.” 11 Library systems have had much to do with this change.

Despite the promise of cooperative systems and the indication that a majority of states have the establishment of these systems as a goal, some problems exist which are subject to legislative solution. The most frequent complaints involve money: the lack of state-aid funds to
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establish systems and funds in an insufficient amount for the demands placed upon the systems once they are established. There are other problems; many states provide only for the inclusion of public libraries in the membership of systems, and have no plan for the coordination of all library services in an area. Despite the significant assistance of the system, the local or community library for whom the system primarily functions, frequently continues to be too small. (Remedies for this problem include direct state financial assistance, increased local library taxing authority, and provision of incentives to merger.) Ambiguity and imprecision commonly exist in the enabling legislation. This ambiguity may be convenient when libraries concerned with the preservation of home rule are being encouraged to form and join systems, but this imprecision may create major problems as development proceeds and regulations implementing the law are clarified and enforced.

While every state has a hierarchy of library service, even though such a hierarchy may consist only of the local public or other library and the state library agency, this hierarchy may not have the defined goals, planning, totality, formality, and recognition which are conditions of the state-wide hierarchal system. No census of state-wide hierarchal systems was made for this article, and no other census is known to be available. An estimated 20 percent of the states, principally the more populous and those with technological economies, have such systems. As the example of those states with a state-wide hierarchal system becomes more evident, greater attention is given to the appropriate standards in Minimum Standards for Public Library Systems, 1966 and in Standards for Library Functions at the State Level, and as the single, multijurisdictional, and cooperative systems develop their services to the point where the need for regular recourse to higher levels of resources is recognized, the number of these systems should increase significantly.

For the development of state-wide hierarchal systems a strong state library or state library agency is requisite, with such strength to be in terms of authority, finances, and status in state government. Another necessity is the availability, normally within the state, of the levels of library resources required to meet the needs of the state's libraries, a condition met by adequate financial assistance and power, whether in statute or regulation, to direct the development of these resources. Legal authority must exist for the participation of the individual libraries in the state in a hierarchal system.

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Library systems exist among all types of libraries and in various forms, and probably exist in far greater numbers than most librarians would estimate. The growth of systems, largely a phenomenon of the last twenty-five years, is a response to the increasing impossibility of an individual library or even a group of neighboring libraries being wholly self-reliant. In increasing the capacity of libraries to serve, systems have demonstrated their appropriateness to modern librarianship. Such development requires, for all but the simplest of the single jurisdiction systems, legislation of an increasingly specialized order, and as the concept of systems matures, the variety, number, and complexity of legislation required for systems will probably increase.

References


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