

Chapter 357

Libraries, Art Museums and Orchestras

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STATE LIBRARIES

357.010 Trustees of State Library; appointment; term; compensation. The Governor shall appoint three persons, who with the Governor, Superintendent of Public Instruction, chancellor of the Oregon state system of higher education and librarian of the Library Association of Portland, shall constitute the Trustees of the State Library. One member appointed by the Governor shall be appointed for a term of one year from June 1, 1933; one member for a term of three years from that date; and one member for a term of five years from that date. All subsequent appointments shall be for the term of five years, except appointments to fill vacancies, which shall be made by the Governor for the unexpired term. No trustee shall be compensated for his services, but accounts for the traveling expenses of the trustees in attending meetings or establishing libraries and other necessary incidental expenses connected with their duties may be audited by the Secretary of State when certified by the chairman of the trustees and the State Librarian

357.020 Control of library; officers of trustees; appointment and compensation of librarian and assistants. (1) The State Library shall be under the control of the Trustees of the State Library who shall make all necessary rules for its government.

(2) The officers of the trustees shall be a chairman elected from the members thereof for one year and the State Librarian who shall be secretary of the trustees.

(3) The trustees shall appoint the State Librarian, who shall not be from their number, and assistants, and, except as otherwise provided by law, fix their compensation. The State Librarian and assistants shall serve at the will of the trustees and under such conditions as they determine. In addition to his salary, the State Librarian shall be allowed his actual and necessary traveling expenses while absent from his office upon the services of the trustees, which expenses when approved by the chairman or acting chairman shall be certified to the Secretary of State.

357.030 General duties and powers of trustees. The trustees shall give advice to all school, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries,

the selection of books, cataloging and other details of library management. They shall designate depository libraries within the state for the deposit of Oregon state documents and prescribe the conditions necessary for use of such documents in the libraries. They may purchase and operate traveling libraries and circulate such traveling libraries within the state among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions, free of cost except for the cost of returning such traveling libraries to the State Library and under such conditions and rules as shall protect the interest of the state and best increase the efficiency of the service it is expected to render the public. They may publish such lists and circulars of information as they deem necessary. They may conduct a summer school of library instruction and maintain a clearing house for periodicals for free gift to local libraries [Amended by 1953 c 300 §5]

357.040 Trustees' powers regarding property and judicial proceedings. The trustees may acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, invest, improve and develop any and all real and personal property given to or for the benefit of the State Library by private donors, whether the gifts of the property are made to the State Library or to the trustees thereof or to the State of Oregon for the benefit of said library. They may accept by assignment and hold mortgages upon real and personal property acquired by way of gift or arising out of transactions entered into in accord with the powers, duties and authority given by this section and ORS 357.270 to the trustees. They may institute, maintain and participate in suits, actions and other judicial proceedings in the name of the State of Oregon for the foreclosure of such mortgages or for the purpose of carrying into effect any and all of the powers, duties and authority now vested in or given by this section and ORS 357.270 to said trustees.

357.050 Duties of State Librarian as secretary of trustees. The State Librarian shall keep a record of the proceedings of the trustees, keep accurate account of their financial transactions, act under the direction of the trustees in supervising the work of traveling libraries, in organizing new libraries and improving those already estab-

lished, and in general perform other duties assigned by the trustees.

357.060 Payment of expenses; offices, equipment and janitor service. Traveling expenses of the trustees and State Librarian, books and other incidental expenses of the trustees, shall be paid from their appropriation as determined by the trustees. Suitable offices at the state capital and janitor service shall be provided by the Secretary of State.

357.070 Librarian's general duties. (1) The State Librarian shall catalog the books, pamphlets and documents received by purchase, gift or exchange and keep them in order for circulation and examination, purchase books for loaning to the people of the state as provided in ORS 357.080, purchase reference books and periodicals for the use of state officers and departments, act as the official depository of Oregon state documents and do all things necessary for the maintenance of a state library.

(2) The State Librarian may maintain a system of depositing Oregon state documents with libraries in this state designated by the Trustees of the State Library as depository libraries. With the exception of state documents exchanged by the Supreme Court Library and documents issued by any institution or agency of the state system of higher education, the State Librarian may maintain a system of exchange of state documents with libraries outside this state [Amended by 1953 c 300 §5]

357.080 Loan of books; indexes; regulations; reference books. State Library books shall be loaned free of charge to the people of Oregon through local public and traveling libraries and to individuals upon proper guarantee, in cities without public or traveling libraries and in rural communities. However, the borrower shall pay the cost of returning the books to the State Library. The State Librarian shall collect and index those public documents which shall be of service to state boards, officials and commissioners, and for reference work for the members of the legislature for investigation of public questions. These services shall be rendered in accordance with rules and regulations to be fixed by the trustees who shall designate those books which are to be used for circulating and those which are to be kept as a reference collection. [Amended by 1953 c.300 §5]

357.090 to 357.190 [Reserved for expansion]

357.200 State Library Contingent Fund. The State Librarian shall deposit with the State Treasurer all moneys received from borrowers and patrons of the library in payment for lost books, for delinquencies in return of books, and for freight payments, which moneys shall be kept in a separate account to be known as the State Library Contingent Fund. The State Librarian may retain out of the receipts which constitute the contingent fund not to exceed \$50 to be used for making change and petty cash payments, and shall submit vouchers to the Secretary of State from time to time together with receipts covering such payments for audit and approval. [Amended by 1953 c.136 §4]

357.210 Audit of claims; use of contingent fund. The Secretary of State shall audit all claims authorized by the trustees to be paid from the funds deposited under ORS 357.200, certified to by the State Librarian, and draw his warrant on the State Treasurer for the amount found due thereon in favor of the person entitled thereto. The library contingent fund may be used for books, pamphlets and periodicals, and for any other purposes specified by the trustees. [Amended by 1953 c.136 §4]

357.220 Application for and receipt of federal funds. The Trustees of the State Library hereby are designated as the state agency to apply to and receive from the Federal Government or any agency thereof such grants for promoting library service as may be available to the State of Oregon or any of its political subdivisions or agencies.

357.230 Trustees' duties regarding federal funds. The Trustees of the State Library shall:

(1) Disburse or supervise the disbursement of all funds made available by the Federal Government or the State of Oregon for promoting library service.

(2) Adopt, carry out and administer a plan or plans for promoting library service. The plan or plans shall be statewide in application so far as reasonably feasible, possible or permissible and shall be devised to meet the approval of the Federal Government or any of its agencies. The plans shall not be contrary to or inconsistent with Oregon laws.

(3) Provide that all appointments of personnel in the State Library administrative agency be based on merit and efficiency and without regard to political consideration, other than members of boards within the state and elected officials therein.

(4) Make such reports to the Commissioner of Education with respect to the expenditure of funds received from the Federal Government for library purposes and the progress of library service provided by such funds, in such form and containing such information as the commissioner may require.

357.240 State Treasurer as trustee of federal funds. The State Treasurer shall serve as trustee of funds apportioned to the State of Oregon at any time by the Federal Government.

357.250 Audits of federal library funds; warrants. The Secretary of State shall cause audits to be made of the accounts and financial affairs of the Trustees of the State Library affecting any funds acquired for library purposes from the Federal Government, in the same manner and under the same conditions as provided for the audit of state departments and institutions. He shall draw his warrants on the State Treasurer for payment of all duly approved claims which have been incurred under ORS 357.230 and are available from such funds.

357.260 Monthly reports by recipients of federal grants. All libraries and other organizations participating in the benefits of any federal grant for promoting library service shall make monthly reports to the Trustees of the State Library of the receipt and disposition of money or other property for such purposes.

357.270 State Library Donation Fund. The interest, income, dividends or profits received on any property or funds of the State Library derived from gifts, legacies, devises, bequests or endowments shall be deposited with the State Treasurer and hereby are set apart and appropriated to the use, maintenance and support of the State Library, in like manner as the principal or corpus of each such gift or donation is set apart or appropriated. All such gifts or donations shall be placed by the State Treasurer to the credit of a separate fund, to be known as the State Library Donation Fund, and the State Treasurer shall credit monthly to such fund any interest or other income derived from said fund or the investing

thereof. The Trustees of the State Library may use and administer the donation fund for the benefit of the State Library in such manner as they elect except that every gift, devise or bequest for a specific purpose shall be administered according to its terms. The Secretary of State shall audit all duly approved claims incurred in pursuance of law and the appropriation made by this section and draw his warrants on the State Treasurer for the payment thereof payable from the State Library Donation Fund.

357.280 [Repealed by 1953 c 300 §5]

357.290 to 357.400 [Reserved for expansion]

COUNTY, CITY AND OTHER LIBRARIES

357.410 Powers of counties or cities regarding free public libraries; library maintenance tax. (1) Any county or incorporated city may:

(a) Establish, equip and maintain a free public library.

(b) Maintain and support any free public library already established therein.

(c) Contract with existing and established free public libraries for the purpose of providing free use of the libraries for their inhabitants.

(d) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property of such county or city to provide a library fund to be used exclusively to maintain such libraries.

(e) Through library boards, purchase real estate and build buildings thereon necessary for properly housing and maintaining such libraries.

(2) All money appropriated or collected from taxes levied pursuant to paragraph (d) of subsection (1) of this section shall be placed in a separate fund to be known as the public library fund and shall be disbursed only upon the order of the public library board of such county or city as provided by law.

357.420 Exemption from county tax for library maintenance. Except for the city in which a central county library is located as provided in ORS 357.550, any incorporated city having a population of not less than 4,000 people and maintaining a free public library by annual taxation to a total amount of not less than \$2,000 and located within a

county levying a tax pursuant to ORS 357.410, may upon a majority vote of the members of the city council, with the written consent of a majority of the members of the city public library board, claim exemption from such tax after notice that such action is proposed to be taken and the date and place of the meeting at which it is proposed to be taken has been published in the newspapers of that city at least once a week for four successive weeks. After notification by the city council of its claim of exemption, the county court shall exempt the taxable property within the city from the next annual county tax levy made pursuant to ORS 357.410. The exempted city shall not participate in the benefits of the county free library. The exemption from such tax and service shall continue until the city annuls such action and is again included in the county tax levy made pursuant to ORS 357.410.

357.430 Public library building fund taxes. Any county may assess, levy and collect, in the same manner as other taxes for county purposes, a special tax, not to exceed one mill on each dollar of the assessed value of all taxable property within such county, for the erection of public library buildings, including a central public library building maintained and operated as a public library upon a site approved by the county public library board and conveyed to the county by any person, firm, corporation, city, school district or union high school district. The tax levy proceeds shall be placed in a separate fund known as the public library building fund and shall be expended only for the purpose for which the tax is levied. No moneys shall be drawn from the fund except upon warrant drawn by order of the public library board for the county for which any such tax is levied.

357.440 Use of tax funds for branch libraries. Where a central library building is provided in whole or in part by donations or otherwise, any remaining portions of the fund authorized in ORS 357.430 may be used for or toward the erection of branch library buildings to be built in cooperation with any city within the county levying the tax which is the source of such fund, upon condition that the city provide a site acceptable to the county public library board and to the county court. Any city may provide funds, as other funds are raised, through taxation or the sale of bonds or otherwise, for the pur-

chase of sites and the erection of such branch library buildings

357.445 Building plans and contracts for construction of library buildings by county; contract for operation of libraries.

(1) The plans for any building erected pursuant to ORS 357.430 or 357.440 shall be in accordance with plans prepared by architects selected by and under the control of the county public library board. Contracts for the erection of the buildings shall be made by the county public library board.

(2) The public library board of any county in which a tax is levied pursuant to ORS 357.430 may contract for the use and occupation of any building erected pursuant to ORS 357.430 or 357.440, by any corporation maintaining and operating a central public library and branch libraries. The contract may be upon such terms and conditions, and extend for such periods, as the public library board deems advisable. All library buildings built pursuant to ORS 357.430 or 357.440 shall be free for the use of the inhabitants of the county where the same is located, subject only to such reasonable rules and regulations as may be prescribed by the management of the corporation using and occupying such buildings and maintaining public libraries therein.

357.450 Method of establishing a free public library and initial library board. A public library may be established by the county court sitting for the transaction of county business or the board of county commissioners, as the case may be, or, in the case of an incorporated city, by the common council, commissioner or legislative body, whatever the same may be called. Any such governing body desiring to establish and maintain a public library, shall pass and enter upon its minutes a resolution, or ordinance, if required by city charter, to the effect that a free public library is established under provisions of Oregon laws relating to public libraries and providing for appointment by the judge, mayor or other presiding officer and confirmation by the governing body establishing such library, of a county or city public library board, as the case may be, consisting of five members to hold office, one for one year, one for two years, one for three years and two for four years from January 1 in the year of their appointment until their successors are appointed.

357.460 Appointment of library board successors; vacancies; compensation; limitations. (1) At the expiration of the term of any member of a public library board, the governmental body which established the public library shall appoint a new member for a term of four years. If a vacancy occurs, the governmental body shall appoint a new member for the unexpired term. Not more than one elective officer of any county or city shall serve at one time as a member of any public library board

(2) No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

357.470 Board organization; name of library. After appointment, the public library board shall immediately meet and organize by the election of a president and treasurer from its members and by the election or appointment of a secretary. It may employ such assistance as it deems necessary. The public library established and maintained by the board shall thereafter be known as the public library of such county or city.

357.480 Treasurer of public library; duties; bond. The treasurer of each public library shall have custody of all money the title of which is vested by gift in the library unless otherwise provided by the terms of the gift. Before receiving the funds of the library, the treasurer shall give a surety bond approved by the public library board, in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money the treasurer will have in his custody at any time during the year next following. The bond shall be renewed from year to year.

357.490 Library board general powers. A library board may:

(1) Establish and locate a central public library with branches at such places as are deemed necessary.

(2) Contract and be contracted with, including the right to contract with counties, cities and school districts for library service, through the library boards of such counties and cities and the district school boards and expend the public library fund in carrying out the contract.

(3) Purchase, receive, possess and dispose of all real and personal property necessary for the establishment or maintenance of a public library and branch libraries, and have the supervision, care and possession of the rooms or buildings constructed, leased or set apart for library purposes.

(4) Make bylaws, rules and regulations for their own guidance and for the government of the library not inconsistent with law.

(5) Appoint, pay and discharge all employees necessary for the operation of the library; expend all funds donated, given or appropriated, or taxes collected for the library; select and purchase books for the library; and audit all claims, accounts and vouchers in connection with the financial management of the library, limited only by the amount of the appropriation or taxes collected or funds donated, given or otherwise secured.

(6) Exercise all such implied powers and do all things necessary for the establishment and maintenance of a public library not inconsistent with law.

357.500 Acceptance of gifts for library purposes. The public library board of any county levying the tax permitted by ORS 357.430 may accept sites, buildings, equipment or other donations, bequests or gifts for public library purposes.

357.510 Limitation on power to purchase books. A library board of a library having an income of less than \$2,500 shall not purchase or make accessible to the public any books except as recommended in book lists issued by the American Library Association or by any state library or school department.

357.520 Annual report. On or before July 1 of each year, every public library board shall report to the body maintaining the library and to the Trustees of the State Library stating the condition of their trust, the various sums of money received from the library funds and all other sources, how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out and the general character of such books, the number of registered borrowers within each of the taxing districts which unite to support such library, with such other statistics, information and suggestions as they deem of general interest.

357.530 Annual budget; limitations upon indebtedness and use of funds. (1) Each public library board shall file with its county or city, on or before May 1 of each year, a budget containing an estimate of the amount of money necessary for the public library for the ensuing fiscal year.

(2) No public library board shall incur an indebtedness to exceed the amount of money in its library fund. No money appropriated for maintenance of a public library shall be used for the purchase of any real property or the erection of any buildings but this shall not prohibit expenditures for the maintenance, repairs and betterment of buildings already erected [Amended by 1953 c 238 §1]

357.540 Audits; warrants. At least once each month the public library board shall meet, examine and audit all accounts, demands and claims against the public library under its supervision, and such claims as it finds to be correct, valid and payable out of the library fund, it shall cause to be marked "Approved," signed by the president and secretary of such board and filed with the county or city maintaining the library, with supporting vouchers Thereupon the county clerk or the city officer having the duty of drawing warrants upon the city, as the case may be, without further audit shall file the vouchers in his records and draw warrants upon the library fund for the accounts, demands and claims in the same manner as other warrants are drawn. The warrants shall be paid from the library fund. No warrants shall be drawn nor any money paid from the library fund without the approval of the public library board.

357.550 Central county library; branch libraries; reading rooms. Whenever a county court has established a county public library, the library board shall locate a central county library in the county seat, unless another city in the county exceeds such county seat in population by more than 20 percent according to the latest federal census, in which event, the county library board shall locate the central county library in the largest city of the county and when once located such central county library shall not be removed to another city by reason of change in population. The central county library shall be the principal repository for county library books and the administrative headquarters for the county library system Branch libraries and reading rooms may be estab-

lished and maintained as determined by the county library board.

357.560 Title of library property acquired by county to vest in county. The title to property acquired by any county under the provisions of ORS 357.410 to 357.640 shall be vested in the county accepting it, subject to the control of the county public library board.

357.570 Contracts for the furnishing of library service by cities to adjoining school districts in lieu of county library service. A free public library of any incorporated city which has population and free public library facilities sufficient to entitle it to claim exemption from county library tax levied pursuant to ORS 357.410, whether exempt or nonexempt from such tax, may become a contracting library for service to adjoining and tributary school districts. Any such school district may, by majority vote at the annual school meeting, determine to secure free library service from such contracting free public library in lieu of service from the county library after giving 30 days' written notice to the county court, the county library board and the proposed contracting library of intention to vote on the question of withdrawal. Upon written request of any such school district pursuant to an affirmative vote, the county court of a county in which a county library is operated in any manner provided by law, shall set aside from the county library fund and pay annually to the contracting library a sum equal to the amount collected for county library purposes from such school district. If the contract guarantees to residents of the school district all library privileges required by law and by county library contract of the county for districts receiving library service from the county library, the county court shall approve and enforce the contract. A contracting library authorized by this section shall report annually to the county court and to the county library board, stating the condition of the trust, as provided by ORS 357.520.

357.580 Contracts by counties for library service from adjoining counties; contracts by counties or cities for library service from private organizations. (1) Any county, through its county court, in lieu of establishing or maintaining a county public library, may enter into a contract for library service with the county library board of an adjoining county maintaining a library and such adjoining counties are authorized to furnish the library

service upon such terms and conditions as may be agreed upon.

(2) If there exists in any county or city a secular or nonsectarian library owned and controlled by a society or corporation, the county or city may through its county court or city council, as the case may be, in lieu of establishing or maintaining a public library as provided in ORS 357.410 to 357.570 enter into a contract with the society or corporation for the purpose of providing the inhabitants of such county or city with the free use of the library upon such terms and conditions as may be agreed upon. All money paid to the society or corporation under the contract shall be expended solely for the support and maintenance of the library.

(3) The library fund of the county contracting to receive library service pursuant to this section shall be disbursed upon the order of the county court.

357.590 Contracts by counties for library service from city public libraries. If there exists in the county seat or in the largest city in the county which fulfills the requirements of ORS 357.550 for location of a county library, a free public library which has been established by a city, the county court in lieu of establishing a county library under ORS 357.410 to 357.570, may enter into a contract with such public library for the purpose of providing the county inhabitants with free use of such public library and other adequate library service. The contract shall provide for a definite apportionment of funds, for marking, recording and segregation of books so that their separate ownership may be easily determined for deposits of books in all incorporated cities in the county, and for free transportation of books, upon request, to residents of the county who live outside incorporated cities. The contract shall also contain express provision that the books of the contracting public library be made free to all residents of the county, to be used for lending and for deposit in branch libraries and other libraries participating in the county library service, on the same terms provided for books bought by county funds and shall make provisions for such deposit of books in any city library of the county already established as may be equitable and just in consideration of the proportionate share of county library tax paid by such city.

357.600 Contracts by cities or school districts for library service from existing free public libraries. Any city which has not estab-

lished a library under the library laws of the state may through its council, and any school district may through its district school board, contract with the boards of existing free public libraries for library service for such city or school district, and may levy a special tax or appropriate money from its general funds or expend its library fund to meet the terms of such contract.

357.610 Conformity to ORS 357.410 to 357.640 by libraries organized prior to enactment of those statutes; effect on executed library contracts. (1) Libraries organized under Oregon laws prior to May 29, 1919, may have their organizations changed so as to conform to ORS 357.410 to 357.640 by resolution of the governmental body which established said library. The resolution shall outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS 357.410 to 357.640, 357.820 and 357.830 shall affect nor change the terms of any library contract executed prior to May 29, 1919, by any county or city, but the parties to said contract may, nevertheless, amend such contract so as it make it conform to all or any of the provisions of those sections.

357.620 Abolition of public libraries or library services. Any public library established under ORS 357.410 to 357.600, or any public library service established by contract under those statutes, shall not be abolished or discontinued nor support be withdrawn therefrom except by a vote at two consecutive annual meetings or two meetings held at intervals of at least 12 months of the body which established the library or contracted for library service.

357.630 Donated property. All persons desiring to make donations of money, personal property or real estate for the benefit of any public library may vest the title thereto in the name of the public library to which the same is given, to be held and controlled by the public library board of such library according to the terms of the deed or gift, devise or bequest. As to such property, the public library board members shall be considered special trustees.

357.640 Use and management of library. Each library established under ORS 357.410 to 357.600 shall be forever free for the use of the inhabitants of the county or city which maintains the same, subject to such reasonable rules and regulations as the library board

may adopt in order to render the use of the library of the greatest benefit to the greatest number. The library board may exclude and cut off from the use of the library any persons who wilfully violate such rules, or may levy reasonable fines for violations of such rules and regulations. The library board may, upon such terms as may be deemed proper, extend the privileges and use of such library to non-residents of the taxing district which supports it, and may provide for the interchange of books with any other library in Oregon.

357.650 [Repealed by 1953 c 136 §4]

357.660 [Repealed by 1953 c 136 §4]

357.670 [Repealed by 1953 c 136 §4]

357.680 [Repealed by 1953 c 136 §4]

357.690 [Repealed by 1953 c.136 §4]

357.700 [Repealed by 1953 c 136 §4]

357.710 [Repealed by 1953 c 136 §4]

357.720 [Repealed by 1953 c 136 §4]

357.730 to 357.800 [Reserved for expansion]

MISCELLANEOUS

357.810 Books exposed to communicable diseases. No books shall be loaned from a public library or from a privately owned circulating library to any person afflicted with any communicable disease or to a person living in a residence wherein a case of communicable disease exists. If a book is loaned unknowingly or such disease occurs while the book is loaned, such book when returned to the library must be disinfected in accordance with the rules and regulations of the State Board of Health.

357.820 Wilful injury to library property. No person shall wilfully or maliciously write upon, injure, deface, tear or destroy a book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript or statute belonging to a law, city, county, school district, state or other public or incorporated library.

357.830 Wilful detention of library property. No person shall wilfully or maliciously detain any book, newspaper, magazine, pamphlet or manuscript belonging to a law, city, county, school district, state or other public or incorporated library for 30 days after notice in writing from the librarian of such

library, given after the expiration of time which by regulations of such library such book, newspaper, magazine, pamphlet or manuscript may be kept. The notice shall bear upon its face a copy of this section and of subsection (3) of ORS 357.990

357.840 to 357.900 [Reserved for expansion]

ART MUSEUMS AND ORCHESTRAS

357.910 Public aid to art museums. Any county containing a population of 200,000 inhabitants or more, may assist in maintaining any art museum operated by any association of art, incorporated under Oregon laws, which has a museum building within the limits of such county at which works of the fine arts are exhibited, and which museum has been in continuous operation for not less than five years prior to the time such assistance is given. For this purpose, the board of county commissioners of such county may designate such association and provide in the county budgets and pay not to exceed \$10,000 in any one year to such association to be used solely for maintaining or in assisting to maintain such art museum and in providing for the free access by the public to exhibits at the museum under reasonable rules and regulations approved by the board of county commissioners. No moneys shall be paid under the provisions of this section except upon warrants drawn by order of the county commissioners. No moneys shall be paid to any association of art except such as hold permanent as well as temporary collections for the specific purpose of encouraging study, education, knowledge and appreciation of the fine arts. Any association receiving such aid shall render an annual report to the board of county commissioners giving such information as may be required by the board with respect to all moneys received under the provisions of this section. This section does not limit any such art association in operating a school of art or art classes at which students are charged for instruction, as a separate department; and the free access by the public to the museum of art does not include or apply to schools of art, art classes or lectures on art topics.

357.920 Tax levy for municipal orchestra. Any city having a population of 250,000 or more may, when authorized as provided in ORS 357.950, levy each year a tax of not to exceed fifteen-hundredths of one mill on

each dollar of assessed valuation of property subject to taxation by the city, within or without the six percent limitation, for the purpose of maintaining and employing one major symphony orchestra, one band, and one junior symphony orchestra

357.930 Petition for levy. No tax for the purposes specified in ORS 357.920 shall be levied until a petition, signed by a number of voters of the city equal to at least 10 percent of the number of voters of the city who voted at the last general municipal election, has been filed with the city council or commission requesting that there be submitted to the voters at the next general municipal election the question of whether or not a tax be levied for any one or more of such purposes.

357.940 Submission of proposition to voters. When such petition is filed, the city council or commission shall cause the proposition to be submitted to the voters at the next general municipal election occurring not sooner than 60 days thereafter

357.950 Action upon favorable vote. If a majority of the votes cast on the proposition at the election is in favor of the proposition, the city is authorized and required to levy a tax within the amount and for the purpose or purposes authorized.

357.960 Annulment of tax for orchestra. A petition signed by a number of voters of the city equal to at least 10 percent of the

number of voters who voted at the last general municipal election may at any time be presented to the city council or commission of a city levying a tax under ORS 357.920, asking that there be submitted to the voters at the next general municipal election the question of whether the levy provided for the purposes expressed in ORS 357.920 be annulled. Upon such petition being filed, the city council or commission shall cause the proposition to be submitted to the voters at the next general municipal election occurring not sooner than 60 days thereafter. If a majority of the votes cast on the proposition is in favor of the proposition, no further levy for said purposes shall be made

357.970 to 357.980 [Reserved for expansion]

PENALTIES

357.990 Penalties. (1) Violation of any of the provisions of ORS 357.010 to 357.080, 357.200 to 357.290 or 357.410 to 357.640 is a misdemeanor

(2) Violation of ORS 357.810 is punishable, upon conviction, in the manner prescribed in ORS 431.990.

(3) Violation of ORS 357.820 is punishable upon conviction by a fine of not less than \$5 nor more than \$50 or by imprisonment not exceeding six months.

(4) Violation of ORS 357.830 is punishable upon conviction of not less than \$5 nor more than \$25 or by imprisonment not exceeding six months.



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