Chapter 357

1957 REPLACEMENT PART

Libraries, Art Museums and Orchestras

STATE LIBRARIES

357.010 Trustees of State Library; appointment; term; compensation
357.020 Control of library; officers of trustees; appointment and compensation of librarian and assistants
357.030 General duties and powers of trustees
357.040 Trustees' powers regarding property and judicial proceedings
357.050 Duties of State Librarian as secretary of trustees
357.060 Payment of expenses; offices, equipment and janitor service
357.070 Librarian's general duties
357.080 Loan of books; indexes; regulations; reference books
357.200 State Library Contingent Fund
357.210 Audit of claims; use of contingent fund
357.220 Application for and receipt of federal funds
357.230 Trustees' duties regarding federal funds
357.240 State Treasurer as trustee of federal funds
357.250 Audits of federal library funds; warrants
357.260 Monthly reports by recipients of federal grants
357.270 State Library Donation Fund

REGIONAL, COUNTY, CITY AND OTHER LIBRARIES

357.400 Definitions
357.410 Powers of counties or cities regarding free public libraries; library maintenance tax
357.415 Establishing regional public library system in lieu of county libraries
357.420 Exemption from county tax for library maintenance
357.430 Public library building fund taxes
357.440 Use of tax funds for branch libraries
357.445 Building plans and contracts for construction of library buildings; contract for operation of libraries
357.450 Method of establishing a free county or city public library and initial library board
357.460 Appointment of county or city library board successors; vacancies; compensation; limitations
357.465 Regional public library board
357.470 Board organization; name of library
357.480 Treasurer of public library; duties; bond
357.490 Library board general powers
357.500 Acceptance of gifts for library purposes
357.510 Limitation on power to purchase books
357.520 Annual report
357.530 Annual budget; limitations upon indebtedness and use of funds
357.540 Payment of claims against county or city library
357.545 Payment of claims against regional library system
357.550 Central library; branch libraries; reading rooms
357.560 Vesting of title to library property acquired under ORS 357.400 to 357.640
357.570 Contracts for the furnishing of library service by cities to adjoining school districts
357.580 Contracts by counties for library service from adjoining counties or regions; contracts by counties or cities for library service from private organizations
357.590 Contracts by counties for library service from city public libraries
357.600 Contracts by cities or school districts for library service from existing free public libraries
357.610 Conformity to ORS 357.400 to 357.640 by libraries organized prior to enactment of those statutes; effect on executed library contracts
357.620 Abolition of public libraries or library services
357.625 Turning public library over to regional library board
357.630 Donated property
357.640 Use and management of library

GRANTS-IN-AID TO PUBLIC LIBRARIES

357.705 Purpose of ORS 357.705 to 357.730
357.715 Grants-in-aid for public libraries
357.725 Consultants
357.730 Employment of staff members

MISCELLANEOUS

357.810 Books exposed to communicable diseases
357.820 Wilful injury to library property
357.830 Wilful detention of library property

ART MUSEUMS AND ORCHESTRAS

357.910 Public aid to art museums
357.920 Tax levy for municipal orchestra
357.930 Submission of tax levy proposition to voters
357.950 Action upon favorable vote
357.960 Annulment of tax for orchestra

PENALTIES

357.990 Penalties

CROSS REFERENCES

Administrative procedures governing state agencies, 183.310 to 183.510
Law libraries, Ch. 9
State Archivist, Ch. 358
Supreme Court Library, Ch. 9

357.010

State agencies, general provisions applicable to, Ch. 182
Traveling expenses, limitations on, 292.210 to 292.260

357.020

State employes, civil service for, Ch. 240
State Librarian, salary of, 292.317
Traveling expenses, limitations on, 292.210 to 292.260

357.070

Exchange of codes, Session Laws and Supreme Court Reports, 9.790
Legislative publications, distribution to State Librarian, 171.092
State agency publications, distribution to State Librarian, 182.070

357.210

Expenditures without allotment prohibited in certain cases, 291.238

357.220

Federal aid, requests by state agencies for, 291.260

357.270

Expenditures without allotment prohibited in certain cases, 291.238

357.480

Bond, allowance for expense of surety, 747.110
Bond, deposit in lieu of, Ch. 22

357.530

Local Budget Law, 294.305

357.725

Traveling expenses, limitations on, 292 210 to 292 260

STATE LIBRARIES

357.010 Trustees of State Library; appointment; term; compensation. The Governor shall appoint seven persons, who shall constitute the Trustees of the State Library. Two members shall be appointed for a term of one year from June 1, 1955; two members for a term of two years from that date; two members for a term of three years from that date; and one member for a term of four years from that date. All subsequent appointments shall be for a term of four 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. [Amended by 1955 c.41 §1]

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 established, 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 depositary 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 administra-

tive 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 357.390 [Reserved for expansion]

REGIONAL, COUNTY, CITY AND OTHER LIBRARIES

357.400 Definitions. As used in ORS 357.400 to 357.640:

(1) "County court" includes board of county commissioners.

(2) "Region" means the area included within the counties that have entered into a contract to establish, equip and maintain a regional public library system pursuant to ORS 357.415.

(3) "Regional public library board" means the public library board established under ORS 357.465.

(4) "Regional public library system" means a free public library system established and maintained by two or more counties pursuant to ORS 357.415. [1955 c.432 §2]

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.

(3) Any county that has entered into a regional public library system contract under ORS 357.415 may levy annually and cause to be collected as other general taxes are collected, a tax upon the taxable property of such county to provide the funds required to be paid by such county under subsection (2) of ORS 357.415. All moneys appropriated or collected from taxes levied pursuant to this subsection shall be placed in a separate fund until paid over to the county treasurer who is designated in the contract as the custodian of the regional public library system funds. The county treasurer who is the custodian of the regional public library system funds shall hold the funds received by him under this section in a separate trust fund in the county treasury against which the regional public library board may draw checks as provided in ORS 357.545. [Amended by 1955 c.432 §5]

357.415 Establishing regional public library system in lieu of county libraries. (1) Two or more counties, acting through their county courts, in lieu of establishing, equipping and maintaining county public libraries under subsection (1) of ORS 357.410, may enter into a contract to establish, equip and maintain a regional public library system. The contract shall include a provision stating that a regional public library system is established under the provisions of ORS 357.400 to 357.640.

(2) The expenses of the regional public library system shall be apportioned between or among the counties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the counties, to be designated in the contract, shall have custody of the funds of the regional public library system, and the treasurers of the other counties concerned shall transfer quarterly to him all moneys collected or appropriated for the regional library system in their respective counties. Before receiving any of the funds, the treasurer designated in the contract shall give a fidelity bond, in the amount fixed by the regional public library board, with a corporate surety authorized to do business in this state. The treasurer shall be reimbursed for the amount of the premium on the bond from the moneys of the regional public library system.

(3) For social security and retirement purposes, all employes of a regional public library system shall be deemed employes of the county, the treasurer of which has the custody of the funds of the regional public library system as provided by the contract.

(4) If the county court of any county votes to withdraw from a regional public library system contract in accordance with the procedure provided in ORS 357.620, they shall give written notice to the regional public library board at least one year prior to the final vote. The county withdrawing is entitled to a division of the property of the regional public library system on the basis of its contributions within one year after having notified the regional public library board of the final vote. [1955 c.432 §3]

357.420 Exemption from county tax for library maintenance. Except for the city in which a central county library or a central regional 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. Unless otherwise provided in the regional public library system contract, the amount due from the county under a regional public library system contract, if one exists, shall be reduced by a sum equal to the amount that would have been collected for regional public library purposes from the taxable property within such city had the city not claimed the exemption. The exempted city shall not participate in the benefits of the county free library or the regional

public library system, as the case may be. 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. [Amended by 1955 c.432 §6]

357.430 Public library building fund taxes. (1) 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:

(a) 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.

(b) The erection of regional public library buildings, including a central regional library building and branch library buildings.

(2) The tax levy proceeds from the tax authorized by paragraph (a) of subsection (1) of this section 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.

(3) The tax levy proceeds from the tax authorized by paragraph (b) of subsection (1) of this section shall be paid to the county treasurer who is the custodian of the regional public library system funds who shall hold such moneys in a separate trust fund in the county treasury against which the regional public library board may draw checks only for the purpose for which the tax is levied. [Amended by 1955 c.432 §7]

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 purchase of sites and the erection of such branch library buildings.

357.445 Building plans and contracts for construction of library buildings; 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 or regional public library board. Contracts for the erection of the buildings shall be made by the county or regional public library board.

(2) The public library board of any county in which a tax is levied pursuant to ORS 357.430 or the regional public library board of counties levying a tax 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 county public library board or regional 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 or region 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. [Amended by 1955 c.432 §8]

357.450 Method of establishing a free county or city 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 county or city 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.

357.465 Regional public library board. (1) By joint action of the county courts of the counties which have entered into a regional public library system contract under ORS 357.415, a regional public library board shall be established.

(2) The regional public library board shall consist of five members appointed by the county courts acting jointly. The members first appointed shall 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. Their successors shall hold office for a term of four years from January 1 in the year of their appointment. The proportion of board members from each of the several counties shall be provided in the regional public library system contract. If a vacancy occurs, the county courts acting jointly shall appoint a new member from the appropriate county for the unexpired term.

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

(4) ORS 357.450 and 357.460 do not apply to the regional public library board. [1955 c.432 §4]

357.470 Board organization; name of library. (1) After appointment, the county or city public library board or regional 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.

(2) The public library established and maintained by the board shall thereafter be known as the public library of such region, county or city. [Amended by 1955 c.432 §9]

357.480 Treasurer of public library; duties; bond. The treasurer of each regional, county or city public library board shall have custody of all money the title of which is vested by gift in the library or regional library system unless otherwise provided by the terms of the gift. Before receiving the funds of the library or regional library system, the treasurer shall give a surety bond approved by the city, county or regional 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. [Amended by 1955 c.432 §10]

357.490 Library board general powers. A regional, county or city public 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 regions, counties, cities and school districts for library service, through the library boards of such regions, counties and cities and the district school boards and expend the city or county 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 govern-

ment of the library not inconsistent with law.

(5) Appoint, pay and discharge all employes 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. [Amended by 1955 c.432 §11]

357.500 Acceptance of gifts for library purposes. The public library board of any county levying the tax permitted by ORS 357.430 or any regional public library board may accept sites, buildings, equipment or other donations, bequests or gifts for public library purposes. [Amended by 1955 c.432 §12]

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 city public library board and county public library board shall file with its county or city, and each regional public library board shall file with each county in the regional public library system, on or before May 1 of each year, a budget containing an estimate of the amount of money necessary for the county or city public library or regional public library system for the ensuing fiscal year.

(2) No county, regional or city 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; 1955 c.432 §13]

357.540 Payment of claims against county or city library. 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.

357.545 Payment of claims against regional library system. At least once each month the regional public library board shall meet, examine and audit all accounts, demands and claims against the regional public library system, and such claims as it finds to be correct, valid and payable shall be paid by checks signed by the president and the secretary of the board drawn on the county treasurer who has custody of the regional library system funds. No checks shall be drawn nor money paid from the regional library fund without approval of the regional public library board. ORS 357.540 does not apply to a regional public library system. [1955 c.432 §15]

357.550 Central library; branch libraries; reading rooms. (1) 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 established and maintained as determined by the county library board.

(2) In the case of a regional public library system, the central regional library shall be located at a place in one of the counties designated in the regional public library system contract or, if not designated in the contract, at a place in one of the counties agreed upon by the regional public library board. The central regional library shall be the principal repository for the regional public library system books and the administrative headquarters for the regional public library system. Branch libraries and reading rooms may be established and maintained as determined by the regional public library board. [Amended by 1955 c.432 §16]

357.560 Vesting of title to library property acquired under ORS 357.400 to 357.640. (1) The title to property acquired by any county under the provisions of ORS 357.400 to 357.640 shall be vested in the county accepting it, subject to the control of the county public library board.

(2) The title to property acquired by any regional public library board under the provisions of ORS 357.400 to 357.640 shall be vested jointly in the several counties which are parties to the regional public library system contract, subject to the control of the regional public library board. [Amended by 1955 c.432 §17]

357.570 Contracts for the furnishing of library service by cities to adjoining school districts. 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 for a county or regional public library 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 city public library in lieu of service from the county public library or regional public library system after giving 30 days' written notice to the county court, the county public library board or regional public 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 or of a county which is part of a regional public library system, shall set aside from the county library fund or from moneys payable to the regional public library system and pay annually to the contracting library a sum equal to the amount collected for county or regional library purposes from such school district. The amount due from a county under a regional public library system contract shall be reduced by the amount paid to the contracting city library pursuant to this section. 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 or regional public library board, stating the condition of the trust, as provided by ORS 357.520. [Amended by 1955 c.432 §18]

357.580 Contracts by counties for library service from adjoining counties or regions; 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 or with the regional public library board of an adjoining region maintaining a library, and such adjoining county or region is authorized to furnish the library service upon such terms and conditions as may be agreed upon.

(2) Any 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 357.400 to 357.570 enter into a contract with any society or corporation owning and controlling a secular or nonsectarian library 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. [Amended by 1955 c.432 §19]

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 357.400 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 established 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 357.400 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 357.400 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 357.400 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 to 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 357.400 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.

357.625 Turning public library over to regional library board. The governing body of any public library, supported in whole or in part by public taxation, may turn over such library to the management and control of a regional public library board established under ORS 357.465. [1955 c.432 §23]

357.630 Donated property. All persons desiring to make donations of money, personal property or real estate for the benefit of any public library or regional public library system may vest the title thereto in the name of the public library or regional public library system to which the same is given, to be held and controlled by the public library board of such library or system 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. [Amended by 1955 c.432 §20]

357.640 Use and management of library. Each library established under ORS 357.400 to 357.600 shall be forever free for the use of the inhabitants of the county, region or city which maintains the same, subject to such reasonable rules and regulations as the public 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 nonresidents of the taxing district which supports it, and may provide for the interchange of books with any other library in Oregon. [Amended by 1955 c.432 §21]

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]

GRANTS-IN-AID TO PUBLIC LIBRARIES

357.705 Purpose of ORS 357.705 to 357.730. It is the policy of the people of the State of Oregon to provide a more equitable opportunity for all citizens of Oregon to have direct access to books and reading material for the furtherance of education. It is the purpose of ORS 357.705 to 357.730 to encourage the combination or cooperation of public libraries in order to extend the coverage and increase the efficiency of library service throughout the state. [1957 c.358 §1]

357.710 [Repealed by 1953 c.136 §4]

357.715 Grants-in-aid for public libraries. (1) In addition to their other duties, the Trustees of the State Library shall, with the advice of qualified consultants:

(a) Make, from appropriations made for that purpose, allotments of grants-in-aid to county, regional or other public libraries which cooperate to extend library services and which meet standards approved by the Trustees of the State Library.

(b) Determine the eligibility for and the amounts of such grants-in-aid in accordance with the policy expressed in ORS 357.705.

(c) Advise the public libraries of Oregon how they may qualify for grants-in-aid.

(2) The Trustees of the State Library shall not allot any grant-in-aid to a public library under paragraph (a) of subsection (1) of this section:

(a) Unless the area which supports the public library demonstrates to the satisfaction of the Trustees of the State Library that it is capable of continuing the program after the withdrawal of the grant.

(b) For a period longer than one year except that further grants for periods not exceeding one year may be made at the discretion of the Trustees of the State Library subject to the provisions of paragraph (a) of this subsection. [1957 c.358 §§2, 3]

357.720 [Repealed by 1957 c.136 §4]

357.725 Consultants. (1) The Trustees of the State Library shall appoint qualified consultants to advise them in their actions under subsection (1) of ORS 357.715. A consultant shall serve at the pleasure of the trustees. A consultant shall not receive any compensation for his services as consultant, but, subject to the limitations otherwise provided by law, he shall be reimbursed for all expenses actually and necessarily incurred by him in the performance of his official duties.

(2) The qualified consultants appointed under subsection (1) of this section shall, in conformance with the policy stated in ORS 357.705:

(a) Assist the Trustees of the State Library in the development of standards for the allotments of grants-in-aid to the public libraries of Oregon.

(b) Make recommendations to the Trustees of the State Library concerning the eligibility of any public library of Oregon to receive grants-in-aid. [1957 c.358 §§4, 5]

357.730 Employment of staff members. The Trustees of the State Library shall employ, in accordance with the State Civil Service Law, the staff necessary to assist them in the performance of their administrative and advisory services required by ORS 357.705 to 357.730. At least one staff member shall be a professionally trained librarian of administrative rank. [1957 c.358 §6]

357.740 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 (4) 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 Submission of tax levy proposition to voters. The proposition of whether or not a tax is to be levied for any one or more of the purposes of ORS 357.920 shall be submitted to the voters at the next general municipal election following, and occurring not sooner than 60 days after:

(1) 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, is filed with the city council or commission, requesting submission of the question to the city voters; or

(2) The city council or commission, by majority vote, approves submission of the proposition to the city voters. [Amended by 1955 c.276 §1]

357.940 [Repealed by 1955 c.276 §3]

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. The proposition of whether or not a tax levied for the purposes of ORS 357.920 shall be annulled may be submitted to the voters of the city in the same manner as provided for the levy of the tax in ORS 357.930. 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. [Amended by 1955 c.276 §2]

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 357.400 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 by a fine of not less than $5 nor more than $25 or by imprisonment not exceeding six months.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel