Chapter 357

1969 REPLACEMENT PART

Libraries and Archives

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STATE LIBRARIES

357.010 Trustees of State Library; appointment; term; compensation and expenses. (1) 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.

(2) A member is entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1955 c.41 §1; 1965 c.378 §6; 1969 c.314 §27]

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357.030 [Amended by 1953 c.300 §5; repealed by 1961 c.251 §1 (ORS 357.031 enacted in lieu of ORS 357.030)]

357.031 General duties and powers of trustees. (1) The trustees shall:

(a) Advise public, special and school libraries and cities and counties as to the best means of establishing, administering and supporting libraries.

(b) Designate depository libraries within the state for the deposit of Oregon State documents and prescribe the conditions necessary for their use in the libraries.

(c) Control and supervise the office of State Archivist.

(2) The trustees may:

(a) Contract with regions, counties and cities through their library boards and with individuals, school districts, state agencies and departments, for the purpose of improving, extending and coordinating library services and administration.

(b) Acquire and lease property necessary to conduct demonstrations of good library service in areas without adequate service, including but not limited to the establishment of a library operation or system with staff, equipment and books.

(c) Establish, equip and maintain regional library service centers of the State Library outside the City of Salem when the library needs of the state will be better served. A service center is a reservoir and exchange depot for books, materials and services used within the region and for specialized reference.

(d) Publish lists and circulars of information as they deem necessary.

(e) Conduct a summer school of library instruction.

(f) Maintain a clearinghouse for library materials for free gift to local libraries.

(g) Provide library centralized processing and technical services for regions, counties and cities through their library boards and for school districts, state agencies and departments. In addition, the trustees may purchase and process library materials upon request. The cost of rendering the services shall be paid by the party making the request.

(h) Contract with cities and counties without an established public library or with the library boards of cities and counties with an established library, to conduct demonstrations of good library service, including but not limited to the establishment of a library operation or system with staff, equipment and books.

(i) Award scholarships to qualified persons to attend a graduate library school accredited by the American Library Association. The amount and conditions of the scholarships shall be determined by the trustees.

(j) Enter into library agreements pursuant to Article V of the Interstate Library Compact (ORS 357.340).

[1961 c.251 §2 (enacted in lieu of 357.030); 1965 c.354 §6]

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 organizing new libraries and improving those already established, and in general perform other duties assigned by the trustees.
[Amended by 1961 c.251 §3]

357.060 Payment of expenses; offices and equipment. 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 shall be furnished as provided in ORS 276.004.
[Amended by 1969 c.706 §64e]

357.070 [Amended by 1953 c.300 §5; repealed by 1961 c.251 §4 (ORS 357.071 enacted in lieu of ORS 357.070)]

357.071 Librarian's general duties. (1) The State Librarian shall supervise and administer the acquisition and processing of library materials whether acquired by purchase, gift or exchange, for loaning to the people of the state as provided in ORS 357.080, and shall 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 shall 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 an 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.
[1961 c.251 §5 (enacted in lieu of ORS 357.070)]

357.080 Loan of books; indexes; regulations; reference books. State Library books shall be loaned free of charge to the people of Oregon through existing libraries and to individuals upon proper guarantee, in cities, counties and regions without public 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; 1961 c.251 §6]

357.200 State Library Miscellaneous Receipts Account. The State Librarian shall deposit with the State Treasurer all moneys received for materials furnished and for services rendered, which moneys shall be deposited in the Miscellaneous Receipts Account for the State Library.
[Amended by 1953 c.136 §4; 1959 c.137 §1; 1961 c.172 §4; 1961 c.251 §7]

357.210 Audit of claims; use of miscellaneous Receipts Account. 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 Miscellaneous Receipts Account for the State Library may be used for books, pamphlets and periodicals, and for any other purposes specified by the trustees.
[Amended by 1953 c.136 §4; 1963 c.49 §3]

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 custodian of federal funds. The State Treasurer shall serve as custodian of funds apportioned to the State of Oregon by the Federal Government.

[Amended by 1965 c.378 §7]

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 State Library Account. (1) There hereby is established in the General Fund of the State Treasury, an account to be known as the State Library Account. All moneys in the State Library Account hereby are appropriated continuously for and shall be used by the State Library, under the supervision and the direction of the trustees of the State Library, for the respective purposes authorized by law.

(2) Except for moneys received under ORS 357.200 and 357.270 all moneys received by the State Library shall be paid into the State Treasury and credited to the State Library Account.

(3) The State Library shall keep a record of all moneys deposited in the State Library Account. The records shall indicate by separate cumulative accounts the source from which the moneys are derived and the

individual activity or program against which each withdrawal is charged.
[1965 c.378 §§1, 2, 3]

INTERSTATE LIBRARY COMPACT

357.330 Definitions for ORS 357.330 to 357.370. As used in ORS 357.330 to 357.370, except where the context otherwise requires:

(1) "Compact" means the Interstate Library Compact.

(2) "Public library agency", with reference to this state, means the state library agency, and any county or city or any regional, county or city library board.

(3) "State library agency", with reference to this state, means the Trustees of the State Library.
[1965 c.354 §1]

357.340 Interstate Library Compact. The Interstate Library Compact hereby is enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

INTERSTATE LIBRARY COMPACT

ARTICLE I
Policy and Purpose

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

ARTICLE II
Definitions

As used in this compact:

(a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.

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

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

ARTICLE III
Interstate Library Districts

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

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

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

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the inservice training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

ARTICLE IV

Interstate Library Districts, Governing Board

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

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

ARTICLE V

State Library Agency Cooperation

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

ARTICLE VI

Library Agreements

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

2. Provide for the allocation of costs and and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

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

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

ARTICLE VII
Approval of Library Agreements

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

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

ARTICLE VIII
Other Laws Applicable

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

ARTICLE IX
Appropriations and Aid

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

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

ARTICLE X
Compact Administrator

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

ARTICLE XI
Entry Into Force and Withdrawal

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

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

ARTICLE XII
Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable

and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1965 c.354 §2]

Note: For ratification of the Interstate Library Compact by Idaho legislature, see chapter 252, Idaho Laws, 1965, effective May 17, 1965.

For ratification of the Interstate Library Compact by Washington legislature, see chapter 93 of Laws, Extraordinary Session 1965, effective August 6, 1965.

357.350 Library compact administrator; deputy; library agreements to be submitted to State Librarian. The State Librarian shall be the compact administrator pursuant to Article X of the compact. The State Librarian shall appoint one or more deputy compact administrators. Every library agreement made pursuant to Article VI of the compact shall, as a condition precedent to its entry into force, be submitted to the State Librarian for his recommendations.
[1965 c.354 §3]

357.360 Compliance with laws on taxes and bonds required. No regional, county or city library board of this state shall be a party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c-7) of the compact, nor levy a tax or issue bonds to contribute to the construction or maintenance of such a library, except after compliance with any laws applicable to regional, county or city libraries relating to or governing the levying of taxes or the issuance of bonds.
[1965 c.354 §4]

357.370 Duty of compact administrator upon withdrawal from compact. In the event of withdrawal from the compact the compact administrator shall send and receive any notices required by Article XI (b) of the compact.
[1965 c.354 §5]

REGIONAL, COUNTY, CITY AND OTHER LIBRARIES

357.400 Definitions for ORS 357.400 to 357.640. 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 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) Enter into library agreements pursuant to Article VI of the Interstate Library Compact (ORS 357.340).

(e) Contract with the Trustees of the State Library to obtain library demonstrations, including the establishment of library operation or system with staff, equipment and books to show what constitutes good library services.

(f) 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.

(g) Through library boards, purchase real estate, build buildings and lease property necessary for properly housing and maintaining libraries.

(2) All money appropriated or collected from taxes levied pursuant to paragraph (f) 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 money 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; 1961 c.251 §8; 1965 c.354 §7]

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 on all taxable property within such county, or may contract bonded indebtedness under the provisions of ORS chapter 287, for:

(a) The purchase of real property for public library purposes.

(b) The erection and equipping 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 acquired either by purchase or conveyed to the county by any person, firm, corporation, city, school district or union high school district.

(c) The purchase of real property for public library purposes and 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 paragraphs (a) and (b) 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 money 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 (c) 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 money 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; 1961 c.251 §9]

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 [Repealed by 1961 c.251 §10 (ORS 357.451 enacted in lieu of ORS 357.450)]

357.451 Methods of establishing free county or city public library; initial library board. (1) A public library may be established in any county or city in either of the following ways:

(a) The governing body of any county or city 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 the provisions of Oregon laws relating to public libraries.

(b) Upon petition requesting the establishment of a public library, addressed to the governing body of any county or city and containing the signatures of electors equal to not less than five percent of the greatest number of votes any candidate received for Justice of

the Supreme Court at the last preceding biennial election within the boundaries of the county or city, as the case may be, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment of a public library. The order shall state the manner in which the city or county proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the housing, staffing, equipping and maintenance of the library. If the governing body shall determine that financing may be had only through an annual serial levy to be submitted to the electors pursuant to ORS 357.455 the order shall so state.

(2) The provisions of subsection (2) of ORS 357.455 shall govern the notice of, time of, and manner of holding the election ordered by a city or county under paragraph (b) of subsection (1) of this section. Upon approval of a majority of the electors of the city or county voting at the election called pursuant to paragraph (b) of subsection (1) of this section, or upon resolution or ordinance pursuant to paragraph (a) of subsection (1) of this section, a library board shall be appointed by the presiding officer of the governing body, subject to confirmation by the governing body at its next regular or special meeting. In the case of a city, the board shall consist of five members; in the case of a county, five or seven members, at the discretion of the governing body; and in the case of a regional public library system, five, seven or nine members, at the discretion of the county courts appointing the board by joint action. The members first appointed shall hold office, one for one year, one for two years, one for three years, and all others for four years, from January 1 in the year of their appointment.

[1961 c.251 §11 (enacted in lieu of ORS 357.450)]

357.455 Annual levy for library purposes. (1) Upon petition to the governing body of any county or city, containing the signatures of electors equal to not less than five percent of the greatest number of votes any candidate received for Justice of the Supreme Court at the last preceding biennial election within the boundaries of the county or city, as the case may be, or upon its own motion, the governing body of any county or city shall make and enter an order for an election requesting approval by the voters of an annual serial levy for any of the purposes set forth in subsection (1) of ORS 357.410, or in ORS 357.430, 357.440, subsection (1) of ORS 357.451 or 357.490. The order shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied, and the amount to be levied each year, which amount shall be uniform throughout the period of levy, all according to the petition or motion.

(2) The notice of, time of, and manner of, an election ordered by a county under subsection (1) of this section shall be governed by subsections (2) and (3) of ORS 310.330 and ORS 310.340, and for such elections ordered by cities, by the provisions made pursuant to ORS 310.380. In each case, the ballot shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied, and the amount to be levied each year. The votes of the people shall be given upon the answer as "yes" and "no" in the usual manner.

(3) Upon approval of a majority of the electors of the city or county voting at such election, the taxing unit shall levy each year during the approved period the amount so approved. The tax levy proceeds shall be handled as provided by ORS 357.410, 357.430 or 357.440, or as otherwise provided by law.

[1961 c.251 §14]

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, seven or nine members appointed by the county courts acting jointly.

If the board will consist of five members, 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. If the board will consist of seven members, the members first appointed shall hold office, one for one year, two for two years, two for three years, and two for four years, from January 1 in the year of their appointment. If the board will consist of nine members, the members first appointed shall hold office, two for one year, two for two years, two for three years, and three for four years, from January 1 in the year of their appointment. Succeeding appointees 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 357.451 and 357.460 do not apply to the regional public library board.

[1955 c.432 §4; 1961 c.251 §12]

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 enter into library agreements pursuant to Article VI of the Interstate Library Compact (ORS 357.340) and the right to contract with regions, counties, cities and school districts for library service, including service to residents of the school district, through the library boards of such regions, counties and cities and the district school boards and the right to expend the regional, county or city 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 employes necessary for the operation of the library; expend all funds donated, given or appropriated, or taxes collected for the library and select and purchase books for the library. However, all claims, accounts and vouchers in connection with the financial management of a county or city library shall be reviewed by the county court or city council as to their conformity with the budget, paid and audited in the same manner as other funds of the county or city.

(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; 1961 c.251 §15; 1965 c.354 §8; 1967 c.67 §19]

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. At the end of each fiscal 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 from 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, the activities carried on under an interstate library agreement entered into pursuant to ORS 357.330 to 357.370, with such other statistics, information and suggestions as they deem of general interest.
[Amended by 1965 c.354 §9]

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 court or city council with supporting vouchers. Claims against the library fund shall be reviewed by the county court or city council as to their conformity with the budget, paid and audited in the same manner as claims against other funds of the city or county, provided, however, that no warrants shall be drawn nor any money paid from the library fund without the approval of the public library board.
[Amended by 1961 c.251 §16]

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 certificate of population filed pursuant to ORS 190.520, 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; 1961 c.251 §17]

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 [Amended by 1955 c.432 §18; repealed by 1967 c.67 §20 (357.571 enacted in lieu of 357.570)]

357.571 Effect of contract between school board and library board for library services; notice of contract. (1) When a district school board contracts with a city library board for library services to residents of the school district, the county court, if it approves the contract, shall pay annually to the city library board an amount equal to the taxes collected for county or regional library purposes in the school district.

(2) Subsection (1) of this section applies only to a contract made between a city public library board permitted to claim exemption under ORS 357.420 from the county library tax, whether exempt or nonexempt, and a district school board of a school district located in a county in which a tax is levied for county or regional library purposes.

(3) At least 30 days before entering into a contract described in subsection (1) of this section, the district school board shall give notice of its intention to enter into the contract to the county court and to either the county public library board or to the regional public library board.

(4) After entering into the contract, the district school board shall notify the county court of the terms and conditions of the contract. If the county court finds that the contract assures to residents of the school district not less than the library services required by law and required by any contract between the county and the school district, the county court shall approve and may enforce the contract. Any amount due from a county to a regional public library system under ORS 357.415 shall be reduced by the amount paid by the county to the contracting city library board under subsection (1) of this section.

(5) Services under the contract shall be in lieu of library services to residents of the school district from the county public library or the regional public library system.

(6) A contracting city library board shall send a copy of the annual report required by ORS 357.520 to the county court.

[1967 c.67 §21]

357.580 Contracts by counties for library service from adjoining counties or regions, under the interstate compact, and from private organizations. (1) Any county, through its county court, in lieu of establishing or maintaining a county public library:

(a) 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.

(b) May also enter into a library agreement pursuant to Article VI of the Interstate Library Compact (ORS 357.340).

(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; 1965 c.354 §10]

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 public libraries. (1) Any city which has not established a library under the library laws of the state may through its council contract with the boards of existing free public libraries and enter into library agreements pursuant to Article VI of the Interstate Library Compact (ORS 357.340) for library service for such city, 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.

(2) Any school district through its district school board may contract with the boards of existing free public libraries for library services for the school district including services to residents of the school district, if the contract provides for such services. The school district may levy a special tax or appropriate money from its general funds or expend its library fund to meet the terms of the contract.

[Amended by 1965 c.354 §11; 1967 c.67 §22]

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, 357.965 and 357.975 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 Termination 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.
[Amended by 1955 c.432 §21; 1965 c.354 §12]

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 and for the development of a well-informed citizenry. 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; 1959 c.112 §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:

(a) Make, from appropriations made for that purpose, allotments of grants-in-aid to county, regional or other public libraries and to counties without an established public library for cooperative library services and library demonstrations.

(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 library boards, county courts, city officials and interested citizens how they may acquire and 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 unless the area where the library development project or demonstration is to be located 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. A grant-in-aid may not be continued for more than three years, except that an extension of two additional years may be authorized by the Trustees of the State Library.
[1957 c.358 §§2, 3; 1959 c.112 §2; 1961 c.251 §18]

357.720 [Repealed by 1957 c.136 §4]

357.721 [1959 c.265 §3; repealed by 1961 c.198 §4]

357.725 [1957 c.358 §§4, 5; repealed by 1959 c.112 §4]

357.730 Employment of staff members; consultants. (1) Subject to subsection (2) of this section, the Trustees of the State Library shall employ, in accordance with the State Merit System Law, the staff necessary to assist them in carrying out the provisions of ORS 357.705 to 357.730.

(2) The Trustees of the State Library may:

(a) Engage on an independent-contractor basis a qualified consultant to make in his professional capacity a special and temporary survey and investigation concerning the eligibility of a public library to receive a grant-in-aid under ORS 357.715 and to make his recommendations in connection therewith.

(b) Engage on an independent-contractor basis a qualified consultant to make in his official capacity a special and independent survey and investigation concerning the conditions of public library services in this state and to make his recommendations in connection therewith.
[1957 c.358 §6; 1959 c.112 §3; 1961 c.251 §19]

STATE ARCHIVIST

357.805 Definitions for ORS 357.805 to 357.895. As used in ORS 357.805 to 357.895, unless the context requires otherwise, "photocopy," "political subdivision," "public record,"

"public writing" and "state agency" are defined by ORS 192.005.
[Formerly 358.005]

357.810 [Renumbered 357.955]

357.815 State Archivist; appointment; qualifications; assistants; compensation. The office of State Archivist hereby is created. It shall be under the control and supervision of the Trustees of the State Library and the State Librarian. The archivist shall be appointed by the Trustees of the State Library, who also shall appoint such assistants as may be necessary, and fix the compensation of the archivist and assistants. No person who has not had at least five years' experience as an archivist shall be eligible for such office.
[Formerly 358.010]

357.820 [Renumbered 357.965]

357.825 Acquisition and custody of public records. The State Archivist may negotiate for, acquire and receive public records, writings and illustrative materials of value or interest for legal, administrative or research purposes. He is constituted official custodian of all such records, writings or materials deposited in, acquired for, or transferred upon his requisition to his custody for the state archives.
[Formerly 358.020]

357.830 [Renumbered 357.975]

357.835 Transfer of noncurrent public records to State Archivist. (1) Except as otherwise provided by law, when the State Archivist has determined that noncurrent public records are stored under conditions where they are no longer available for use or which are dangerous to the safety and protection of the records, or where no safe storage is available, all such noncurrent public records or writings as the State Archivist may requisition as being of value or interest for the purposes mentioned in ORS 357.825 shall be transferred to his official custody. For the purposes of this subsection, "noncurrent public records or writings" are those which no longer are required to be retained for discharge of the duties of the official custodian thereof.

(2) If a state agency is abolished or ceases to operate, its public records and writings shall be transferred to the official custody of the State Archivist, except for records of functions transferred by law to other agencies and records needed for the liquidation of obligations or property of the agency. Records used in the liquidation of the agency shall be transferred to the State Archivist when the liquidation is completed.

(3) The Governor, the Secretary of State and the State Treasurer may deposit with the State Archivist for safekeeping in his official custody records of their offices that are used for historical rather than current administrative purposes.
[Formerly 358.030]

357.845 Seal of State Archivist. The State Archivist shall have a seal which shall have the coat of arms of the state engraved in the center thereof, with the following inscription surrounding such coat of arms: "The State Archivist, State of Oregon."
[Formerly 358.040]

357.855 Advice and assistance on public record problems. The State Archivist, without charge therefor, shall give advice and assistance on public record problems to any legislative, executive or judicial officer of this state or any political subdivision in this state. The State Archivist from time to time also shall give general advice and counsel on public record problems to all such officers.
[Formerly 358.050]

357.865 Filing copy of public record with State Archivist; loss of original. (1) With the approval of the State Archivist, an original or duplicate photocopy or other copy of any public record or writing may be filed with the State Archivist by any of the public officers mentioned in ORS 357.855, or a political subdivision, for the purpose of insuring the preservation of such public record or writing.

(2) If the original public record or writing and any original photocopy in the possession of the public officer or political subdivision are lost, destroyed, mutilated or defaced, the photocopy or other copy filed with the State Archivist may be considered an original, with the same uses and effect as the original under ORS 192.050. In this event the State Archivist upon request shall return the photocopy or other copy to the public officer or his successor, or political subdivision, that filed it; or upon request may furnish the public officer or his successor, or political subdivision, a duplicate photocopy or other copy upon payment of the cost thereof.
[Formerly 358.060]

357.875 Access to public records; privileged information. The State Archivist shall be accorded, for the purposes of ORS 357.805 to 357.895, reasonable access to and may examine and receive any public records or writings whether or not they are subject to public inspection. He shall maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law.
[Formerly 358.070]

357.885 Fees of State Archivist. The Trustees of the State Library shall prescribe fees to be charged and collected by the State Archivist for copying and certifying public records or writings and for searching public records or writings in his official custody. All such fees received shall be deposited with the State Treasurer who shall receipt therefor. The fees shall be credited to the Miscellaneous Receipts Account for the State Library, and be used by the trustees to defray the cost of such copying, certifying and searching.
[Formerly 358.080]

357.895 Rules and regulations. In accordance with ORS chapter 183, the State Archivist shall issue rules and regulations to carry out his powers and duties under ORS 43.410, ORS 192.005 to 192.170 and ORS 357.805 to 357.895.
[Formerly 358.090]

357.910 [Amended by 1963 c.519 §35; renumbered 358.810]

357.920 [Renumbered 358.820]

357.930 [Amended by 1955 c.276 §1; renumbered 358.830]

357.940 [Repealed by 1955 c.276 §2]

357.950 [Renumbered 358.840]

MISCELLANEOUS

357.955 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.
[Formerly 357.810]

357.960 [Amended by 1955 c.276 §2; renumbered 358.850]

357.965 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.
[Formerly 357.820]

357.975 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.
[Formerly 357.830]

PENALTIES

357.990 Penalties. (1) Violation of any of the provisions of ORS 357.010 to 357.080, 357.200 to 357.290, 357.400 to 357.451 or 357.460 to 357.640 is a misdemeanor.

(2) Violation of ORS 357.955 is punishable, upon conviction, in the manner prescribed in ORS 431.990.

(3) Violation of ORS 357.965 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 357.975 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, Robert W. Lundy, 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 1, 1969.

Robert W. Lundy
Legislative Counsel