

Chapter 357

1979 REPLACEMENT PART

Libraries and Archives

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**STATE LIBRARY
(Policy)**

357.001 Legislative findings. The State of Oregon recognizes that:

(1) Libraries constitute a cultural, informational and educational resource essential to the people of this state.

(2) Library services should be available widely throughout the state to bring within convenient reach of the people appropriate opportunities for reading, study and free inquiry.

(3) Providing and supporting adequate library services is a proper and necessary function of government at all levels. [1975 c.476 §2]

357.003 Policy. It is the policy of the people of the State of Oregon:

(1) To promote the establishment, development and support of library services for all of the people of this state.

(2) To provide library services suitable to support informed decisions by the personnel of government.

(3) To encourage cooperation between units of government and between and among libraries and to encourage the joint exercise of powers where such cooperation or joint exercise will increase the extent of library services in a fair and equitable manner. [Formerly 357.705]

(State Library)

357.005 State Library duties; free book loans. (1) The State Library shall be the agency of government responsible for executing the functions as set forth in ORS 357.001 and 357.003.

(2) To carry out its duties under subsection (1) of this section, the State Library may:

(a) Promote adequate library services for all of the people of this state.

(b) Provide advice and assistance to libraries, to library boards, to units of local government empowered to establish libraries and to departments and agencies of state government in matters concerning the establishment, support, operation, improvement and coordination of libraries and library services, and the cooperation between libraries.

(c) Maintain and develop appropriate collections of library materials to supplement

the collections and services of other libraries in the state and to meet the reference and research needs of the Legislative Assembly and of the state government by providing library services thereto.

(d) With the advice of the libraries of the state, provide a network whereby the library resources in this state are made available to all of the people of this state under reasonable conditions and subject to appropriate compensation to libraries providing library services to persons beyond their primary clientele.

(e) Provide for state participation in regional, national or international library networks and systems designed to increase the quality of library services for the people of this state.

(f) Provide for the people of this state specialized library services not generally available in other libraries in the state.

(g) Provide library services to the blind and physically handicapped in cooperation with the United States Library of Congress.

(h) Provide for in-service and continuing education programs for library personnel in the state.

(i) Expend such federal, state or private funds as may be available to the state to demonstrate, develop and support library services in accordance with long-range plans for state-wide development and coordination of library services.

(j) Prescribe the conditions for use of state documents in depository libraries, and maintain a system of exchange of state documents with libraries outside this state.

(k) Issue a biennial report to the Governor and publish and distribute statistical data on libraries of this state useful in the conduct of the work of the State Library and in the development of effective library services throughout the state.

(L) Carry out other activities authorized by law for the development of library services for the people of this state.

(3) 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. [Formerly 357 080]

357.007 Location of State Library. Subject to ORS 276.004, the principal library of the State Library shall be in the state capitol mall area. Other quarters may also be obtained, leased, acquired or provided at other locations when necessary to carry out the functions of the State Library. [Formerly 357.060]

(Trustees)

357.010 Trustees of State Library; confirmation; term; compensation and expenses; chairman; secretary. (1) The Governor shall appoint seven persons, who shall constitute the Trustees of the State Library. All appointments shall be for a term of four years beginning on July 1 of the year of appointment, except appointments to fill vacancies, which shall be made by the Governor for the unexpired term. Members shall be eligible for reappointment for only one additional term, but any person may be appointed again to the board after an interval of one year. All appointments of members by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

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

(3) The members shall elect a chairman who shall serve for one year commencing July 1. The State Librarian shall serve as secretary to the trustees. [Amended by 1955 c.41 §1; 1965 c.378 §6; 1969 c.314 §27; 1973 c.792 §12; 1975 c.476 §6]

357.015 Functions of trustees. The Trustees of the State Library shall be the policy-making body for the State Library and shall:

(1) Appoint the State Librarian who shall be a graduate of a library school accredited by the American Library Association or who possesses the equivalent in training and experience and who shall serve at the pleasure of the trustees. Except as otherwise provided by law, the trustees shall fix the compensation of the State Librarian.

(2) Formulate general policies for the State Library and, pursuant to ORS 183.310 to 183.500, adopt rules for its operation.

(3) Review and approve budget requests for the State Library.

(4) Adopt long-range plans for the state-wide development and coordination of library service in consultation with libraries, state

and local governments and the people of this state.

(5) At the beginning of each regular session of the Legislative Assembly, advise the Governor and the Legislative Assembly on new programs or legislation necessary for effective library service for the people of this state.

(6) Designate certain libraries within the state, including the library of every nationally accredited law school, as depository libraries for state publications.

(7) Have control of, use and administer the State Library Donation Fund for the benefit of the State Library, except that every gift, devise or bequest for a specific purpose shall be administered according to its terms.

[Formerly 357.230]

357.020 [Repealed by 1975 c.476 §34]

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

357.031 Duties of trustees to enter into contracts and agreements. The Trustees of the State Library may:

(1) Enter into contracts with any person or governmental entity:

(a) To provide, extend, improve or coordinate library services; or

(b) To demonstrate appropriate programs of library services.

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

(3) 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. [1961 c.251 §2 (enacted in lieu of 357.030); 1965 c.354 §6; 1973 c.439 §10; 1975 c.476 §9]

357.035 Trustees as agency to apply for federal or private funds. Subject to the provisions of ORS 291.260 and 291.375, the Trustees of the State Library are designated as a state agency empowered to apply for federal or private funds and accept and enter into appropriate agreements for library purposes on behalf of the state or its political subdivisions or for any activity appropriate to the State Library on behalf of the state for the receipt of such funds from the Federal Government or its agencies or from any private source, and supervise the disbursement of such funds. [Formerly 357.220]

357.040 Authority of trustees over real and personal property acquired by gift; judicial proceedings. (1) The trustees of the State Library may acquire control and dispose of 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 the library.

(2) The trustees 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, subsection (7) of ORS 357.015 and ORS 357.195 to the trustees.

(3) The trustees 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, subsection (7) of ORS 357.015 and ORS 357.195 to the trustees. [Amended by 1975 c.476 §11]

(State Librarian)

357.050 Duties of State Librarian as secretary and administrator. The State Librarian shall:

(1) Serve as Secretary to the Trustees of the State Library and keep the official record of their actions.

(2) Be the chief administrative officer of the State Library in accordance with policies established by the trustees and the laws of this state. [Amended by 1961 c.251 §3; 1975 c.476 §12]

357.060 [Amended by 1969 c.706 §64e; 1975 c.476 §5; renumbered 357.007]

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

357.071 General duties of State Librarian. The State Librarian shall:

(1) Pursuant to the State Merit System Law, appoint and fix the compensation of, and prescribe the working conditions for such staff as may be necessary to carry out the functions of the State Library.

(2) Make all reports, maintain all records and execute all instruments required by law

or rule and perform all duties necessary to discharge the functions of the State Library.

(3) Assist local librarians and library boards in answering questions concerning the library laws. [1961 c.251 §5 (enacted in lieu of 357.070); 1971 c.185 §1, 1975 c.476 §13]

357.080 [Amended by 1953 c.300 §5; 1961 c.251 §6; 1975 c.476 §4; renumbered 357.005]

(Finances)

357.195 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 the fund or the investing thereof. Claims against the fund shall be approved and warrants issued in the manner provided by law. [Formerly 357.270]

357.200 Miscellaneous Receipts Account. (1) 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 which may be used for books, pamphlets and periodicals, and for any other purpose authorized by law.

(2) The State Library may maintain a petty cash fund in compliance with ORS 293.180 in the amount of \$200 from moneys 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; 1975 c.476 §15]

357.210 [Amended by 1953 c.136 §4; 1963 c.49 §3; repealed by 1975 c.476 §34]

357.220 [Amended by 1975 c.476 §10; renumbered 357.035]

357.230 [Amended by 1975 c.476 §8; renumbered 357.015]

357.240 [Amended by 1965 c.378 §7; repealed by 1975 c.476 §34]

357.250 [Repealed by 1975 c.476 §34 and 1975 c.614 §9a]

357.260 [Repealed by 1975 c.476 §34]

357.270 [Amended by 1975 c.476 §14; renumbered 357.195]

357.280 [Repealed by 1953 c.300 §5]

357.290 [1965 c.378 §§1, 2, 3; repealed by 1975 c.476 §34]

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 or any local government unit authorized by ORS 357.410 to establish a public library, or any public library board. [1965 c.354 §1; 1975 c.476 §32]

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:

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 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 appropri-

ate 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 agree-

ment 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 unit of local government or public library board 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 public libraries relating to or governing the levying of taxes or the issuance of bonds. [1965 c.354 §4; 1975 c.476 §33]

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]

PUBLIC LIBRARIES

357.400 Definitions for ORS 357.400 to 357.621. As used in ORS 357.400 to 357.621:

(1) "Governing body" means the board, commission, council or other body which governs the local government unit.

(2) "Local government unit" means any city, county, library service district established under either ORS chapter 268 or 451, school district or community college district.

(3) "Public library" or "public library system" means a public agency responsible for providing and making accessible to all residents of a local government unit library and information services suitable to persons of all ages. [1955 c.432 §2; 1975 c.476 §16]

357.410 Authority of local government units for public libraries. Any local government unit may:

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

(2) Contract with an established public library or with a private society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon.

(3) Contract with one or more units of local government or library boards pursuant

to ORS chapter 190 to provide jointly a public library or public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.

(4) Enter into an interstate library agreement pursuant to Article VI of the Interstate Library Compact (ORS 357.340).

(5) Contract with the Trustees of the State Library for assistance in establishing, improving or extending public library service.

(6) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property in the local government unit to provide a library fund to be used exclusively to maintain such library.

(7) Levy and cause to be collected, as other taxes are collected, a special tax upon the taxable property in the local government unit, or contract bonded indebtedness under the provisions of ORS chapter 287 to provide a public library building fund to be used exclusively for the purchase of real property for public library purposes and for the erection and equipping of public library buildings including branch library buildings.

(8) Levy or impose such other taxes as may be authorized to the unit by city charter or the charter of a home-rule county. [Amended by 1955 c.432 §5; 1961 c.251 §8; 1965 c.354 §7; 1975 c.112 §1; 1975 c.476 §17]

357.415 [1955 c.432 §3; repealed by 1975 c.476 §34]

357.417 Methods of establishing public library by local government unit. (1) A public library may be established by a local government unit by any of the following ways:

(a) The governing body may pass and enter upon its minutes a resolution or ordinance to the effect that a public library is established under the provisions of ORS 357.400 to 357.621.

(b) Upon petition signed by a number of registered voters equal to not less than five percent of the total number of votes cast within the boundaries of the local government unit for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition, the governing body shall make and enter an order for an election requesting approval by the voters of the establishment and support of a public library.

(c) Upon its own motion, the governing body may make and enter an order for an election requesting approval by the voters of

the establishment and support of a public library.

(2) Elections held under this section shall be held on a day specified in ORS 255.335.

[Formerly 357.451]

357.420 [Amended by 1955 c.432 §6; repealed by 1975 c.476 §34]

357.430 Methods of financing public library by local government unit. If a governing body acts under paragraph (a) or (c) of subsection (1) of ORS 357.417, its order shall state the manner in which the local government unit proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the library. If the governing body determines that financing may be had only through a serial levy to be submitted to the voters pursuant to ORS 357.525, the order shall so state. The notice of, time of and manner of election shall be governed by the applicable provisions of ORS chapter 310, ORS 255.005 to 255.035, 255.055 to 255.095 and 255.215 to 255.355. [Amended by 1955 c.432 §7; 1961 c.251 §9; 1975 c.476 §19]

357.435 Local government required to file plan with State Library; response; effect of advice or comment. Any local government unit acting under ORS 357.417 shall notify in writing the State Library of its plan for establishing a public library. The State Library shall respond in writing within 30 days, commenting on the plan for establishing the library and on its relationship to the long-range plans for the state-wide development and coordination of library services. The State Library's advice or comment is not binding upon the local government unit, and if no such advice or comment is received within 30 days of the request, the local government unit may act without further delay. [Formerly 357.640]

357.440 [Repealed by 1975 c.476 §34]

357.445 [Amended by 1955 c.432 §8; repealed by 1975 c.476 §34]

357.450 [Repealed by 1961 c.251 §10 (357 451 enacted in lieu of 357 450)]

357.451 [1961 c.251 §11 (enacted in lieu of 357.450); 1975 c.112 §2; 1975 c.476 §18, renumbered 357 417]

357.455 [1961 c.251 §14; 1975 c.112 §3; 1975 c.476 §26; renumbered 357 525]

357.460 Appointment of county or city library board successors; vacancies; compensation; limitations. (1) No member of any public library board or the body ap-

pointing 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.

(2) Board members may be reimbursed for expenses incurred in the performance of their duties. [Amended by 1975 c.112 §4; 1975 c.476 §22]

357.465 Regional public library board. (1) Each public library established under ORS 357.417 shall be governed by a library board unless some other method is specified in the charter, ordinance or resolution establishing the library.

(2) Upon resolution, ordinance or election pursuant to ORS 357.417, the governing body may appoint a library board. In the case of a city, such board shall consist of five members. In the case of a county or county service district, such board shall consist of five or seven members at the discretion of the governing body. In the case of a school district or community college district, such board shall consist of five, seven or more members at the discretion of the governing body.

(3) If the board will consist of five members, one member shall initially hold office for one year, one for two years, one for three years and two for four years, from July 1 in the year of their appointment. If the board will consist of seven members, one member shall initially hold office for one year, two for two years, two for three years, and two for four years, from July 1 in the year of their appointment. If the board will consist of more than seven members, the members first appointed shall hold office for such terms as will achieve the staggered term base established for smaller boards by this section. Succeeding appointees shall hold office for a term of four years from July 1 in the year of their appointment. At the expiration of the term of any member of such board, the governing body shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs, the governing body shall appoint a new member for the unexpired term. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year. [1955 c.432 §4; 1961 c.251 §12; 1975 c.476 §21]

357.470 Board organization; name of library. After appointment, the public library board shall meet and organize by the election of a chairman from among its members. The

librarian shall serve as secretary to the board and keep the record of its actions. [Amended by 1955 c.432 §9; 1975 c.112 §5; 1975 c.476 §23]

357.480 [Amended by 1955 c.432 §10; 1975 c.112 §6; repealed by 1975 c.476 §34]

357.490 Library board general powers. In the ordinance or resolution establishing the library, the governing body shall determine the library board's responsibility for:

(1) Appointment of the librarian and staff, fixing their compensation, determining their working conditions and prescribing their duties.

(2) Formulating rules and policies for the governance of the library.

(3) Preparing and submitting an annual budget request.

(4) Approving, or delegating to the librarian the responsibility for approving, all expenditures from the library fund or the public library building fund.

(5) Acceptance, use or expenditure of any real or personal property or funds donated to the library, or purchase, control or disposal of real and personal property necessary for the purposes of the library, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the governing body.

(6) Selection of sites for public library buildings or for location of library facilities.

(7) Entering into contracts.

(8) Such other activities as the governing body may assign. [Amended by 1955 c.432 §11; 1961 c.251 §15; 1965 c.354 §8; 1967 c.67 §19; 1975 c.112 §7; 1975 c.476 §24]

357.500 [Amended by 1955 c.432 §12; repealed by 1975 c.476 §34]

357.510 [Repealed by 1975 c.476 §34]

357.520 Annual report. Each public library established under ORS 357.417 shall make an annual report to the State Library and to the governing body on a form supplied by the State Library. [Amended by 1965 c.354 §9; 1975 c.476 §25]

357.525 Election to authorize serial levy by petition or order; notice. (1) Upon petition signed by a number of registered voters equal to not less than five percent of the total number of votes cast within the boundaries of the local government unit for all candidates for Governor at the election at which a Governor was elected for a term of

four years next preceding the filing of the petition, or upon its own motion, the governing body shall make and enter an order for an election requesting approval by the voters of a serial levy for any of the purposes set forth in ORS 357.410, 357.417 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 election shall be governed by the applicable provisions of ORS chapter 310, 255.005 to 255.035, 255.055 to 255.095 and 255.215 to 255.355.

(3) Upon approval by a majority of the voters 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 or 357.430, or as otherwise provided by law. [Formerly 357.455]

357.530 [Amended by 1953 c.238 §1, 1955 c.432 §13; 1975 c.112 §8; repealed by 1975 c.476 §34]

357.540 [Amended by 1961 c.251 §16; 1975 c.112 §9; repealed by 1975 c.476 §34]

357.545 [1955 c.432 §15; repealed by 1975 c.476 §34]

357.550 [Amended by 1955 c.432 §16; 1961 c.251 §17; repealed by 1975 c.476 §34]

357.560 [Amended by 1955 c.432 §17; repealed by 1975 c.476 §34]

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

357.571 [1967 c.67 §21; repealed by 1975 c.476 §34]

357.580 [Amended by 1955 c.432 §19; 1965 c.354 §10, repealed by 1975 c.476 §34]

357.590 [Repealed by 1975 c.476 §34]

357.600 [Amended by 1965 c.354 §11; 1967 c.67 §22; repealed by 1975 c.476 §34]

357.610 Conformity to ORS 357.400 to 357.621 by libraries organized prior to enactment of those statutes; effect on executed library contracts. (1) Libraries organized under Oregon laws prior to September 13, 1975, are continued, and may have their organizations changed so as to conform to ORS 357.001 to 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 by resolution of the governing body of the local government unit which established the library. The resolution shall outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS 357.001 to 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 shall affect nor change the terms of any library contract executed prior to September 13, 1975. However, by mutual consent, the parties to the contract may amend the contract so as to make it conform to all or any of the provisions of ORS 357.001 to 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990. [Amended by 1975 c.476 §27]

357.620 [Repealed by 1975 c.476 §28 (357.621 enacted in lieu of 357.620)]

357.621 Public hearings required prior to abolishing or withdrawing support from public library; notice of hearings. No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing. [1975 c.476 §29 (enacted in lieu of 357.620)]

357.625 [1955 c.432 §23; repealed by 1975 c.476 §34]

357.630 [Amended by 1955 c.432 §20; repealed by 1975 c.476 §34]

357.640 [Amended by 1955 c.432 §21; 1965 c.354 §12; 1975 c.112 §10; 1975 c.476 §20; renumbered 357.435]

357.650 [Repealed by 1953 c.136 §4]

357.655 [1971 c.676 §1; repealed by 1975 c.476 §34]

357.660 [Repealed by 1953 c.136 §4]

357.665 [1971 c.676 §2; repealed by 1975 c.476 §34]

357.670 [Repealed by 1953 c.136 §4]

357.675 [1971 c.676 §3; repealed by 1975 c.476 §34]

357.680 [Repealed by 1953 c.136 §4]

357.685 [1971 c.676 §§4, 5; repealed by 1975 c.476 §34]

357.690 [Repealed by 1953 c.136 §4]

357.700 [Repealed by 1953 c.136 §4]

357.705 [1957 c.358 §1; 1959 c.112 §1; 1975 c.476 §3; renumbered 357.003]

357.710 [Repealed by 1953 c.136 §4]

357.715 [1957 c.358 §§2, 3; 1959 c.112 §2; 1961 c.251 §18; repealed by 1975 c.476 §34]

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 [1957 c.358 §6; 1959 c.112 §3; 1961 c.251 §19; repealed by 1975 c.476 §34]

FINANCIAL ASSISTANCE FOR PUBLIC LIBRARY SERVICES

357.740 State grants to local units of government; purposes. The state shall provide financial assistance for public library service to public libraries established pursuant to law from funds specifically appropriated therefor by annual grants to units of local government. The grants shall be expended to:

(1) Broaden access to existing information resources by strengthening public libraries and encouraging cooperation among units of local government and among public, private, school and academic libraries;

(2) Extend public library services to persons not served by local public libraries; and

(3) Permit new services and new types of services as local need therefor is determined.

[1977 c.291 §1]

357.750 Applications for grants; uses of grant moneys. Units of local government and counties may apply for annual establishment and development grants. The grants may be made from funds specifically appropriated therefor and are to be used to establish, develop or improve public library services.

[1977 c.291 §2]

357.760 State library trustees to administer ORS 357.740 to 357.780. The Trustees of the State Library shall administer the provisions of ORS 357.740 to 357.780 and shall adopt rules governing the application for and granting of funds under ORS 357.740 to 357.780. [1977 c.291 §3]

357.770 Grant eligibility based on maintained local support. In order to be eligible for state financial assistance for any year for which assistance is sought, a unit of local government must not reduce its budgeted operating expenditures for public library service, exclusive of short-term special funding, in any fiscal year to less than the amount expended for the same purpose in the preceding fiscal year. [1977 c.291 §5]

357.780 Per capita grants for public library services. (1) Subject to subsection (2) of this section, the state shall distribute funds specifically appropriated by the Legislative

Assembly for per capita grants for public library services in the following manner to assure the same population shall not be counted more than once:

(a) There shall be paid to each county that provides public library services to all persons in the county a per capita amount for each person residing in the county.

(b) Where public library services are provided by a unit of local government having jurisdiction in more than one county, there shall be paid to that unit a per capita amount for each person residing therein.

(c) Where public library services are not provided as described in paragraph (a) or (b) of this subsection, but by a unit of local government having jurisdiction less than county wide, there shall be paid to the unit a per capita amount for persons residing therein.

(d) Where public library services are provided both by a unit of local government within a county and by the county, there shall be paid to the unit a per capita amount for each person residing in the unit and to the county a per capita amount for each person residing outside the unit but within the county.

(e) Where public library services are provided both (a) by a unit of local government within a unit of local government having jurisdiction in more than one county and (b) by a unit of local government having jurisdiction in more than one county, there shall be paid to the smaller unit a per capita amount for each person residing in that unit and to the larger unit a per capita amount for each person residing outside the smaller unit but within the larger unit.

(2) If the moneys specifically appropriated for grants under this section are insufficient to make the full allocation for all grants, the grant to each eligible applicant shall be allocated according to the ratio that the total amount of funds available bears to the total amount that would be required to pay in full all grants. [1979 c.835 §2]

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 Secretary of State, who shall, subject to any applicable provisions of the State Merit System Law, appoint and fix the compensation of the archivist and such assistants as may be necessary. No person who has not had at least five years' experience as an archivist shall be eligible for the office of State Archivist. [Formerly 358.010; 1973 c 439 §3]

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 Secretary of State 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. All such fees are continuously appropriated for the payment of expenses incurred by the Secretary of State in the administration of the office of the State Archivist. [Formerly 358.080; 1973 c.439 §11]

357.895 Rules and regulations. In accordance with ORS 183.310 to 183.500, the State Archivist shall issue rules and regulations to carry out his powers and duties under ORS 43.410, 192.005 to 192.170 and 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]

PROHIBITED ACTIONS

357.955 [Formerly 357.810; repealed by 1973 c.259 §20]

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

357.965 [Formerly 357.820; repealed by 1971 c.743 §432]

357.975 Wilful detention of library property. It shall be unlawful for any person wilfully or maliciously to detain any library materials belonging to a publicly supported library or privately supported school, academic or research library 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 materials may be kept. The notice shall bear upon its face a copy of this section and of ORS 357.990. [Formerly 357.830; 1975 c 476 §30]

PENALTIES

357.990 Penalties. Violation of ORS 357.975 is punishable upon conviction by a fine of not less than \$5 nor more than \$25. Such conviction and payment of the fine shall not be construed to constitute payment for library material nor shall a person convicted under this section be thereby relieved of any obligation to return to the library such material. [Amended by 1971 c 743 §360; 1975 c.476 §31]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G Clifford
Legislative Counsel

