Chapter 357

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Libraries; Archives; Poet Laureate

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STATE LIBRARY

(Policy and Definitions)

357.001 Legislative findings. The State of Oregon recognizes that:

(1) An informed citizenry is indispensable to the proper functioning of a democratic society.

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

(3) 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.

(4) Providing and supporting adequate library services is a proper and necessary function of government at all levels.

(5) It is a basic right of citizens to know about the activities of their government, to benefit from the information developed at public expense and to have permanent access to the information published by state agencies. [1975 c.476 §2; 1995 c.69 §1; 2005 c.33 §1]

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.

(4) To ensure that copies of all public documents and access to state agency information in electronic form are available to citizens through a system of depository libraries. [Formerly 357.705; 1995 c.69 §2]

357.004 Definitions for ORS 357.001 to 357.200. As used in ORS 357.001 to 357.200, unless the context requires otherwise:

(1) "Depository library" means a library that is designated as such under ORS 357.095.

(2)(a) "Issuing agency" means state government, as that term is defined in ORS 174.111.

(b) "Issuing agency" does not include the State Board of Higher Education or any institution, division or department under the control of the board.

(3)(a) "Public document" means informational matter produced for public distribution or access regardless of format, medium, source or copyright, originating in or produced with the imprint of, by the authority of or at the total or partial expense of any state agency. "Public document" includes informational matter produced on computer diskettes, CD-ROMs, computer tapes, the Internet or in other electronic formats.

(b) "Public document" does not include:

(A) Correspondence, forms, interoffice or intraoffice memoranda;

(B) Legislative bills;

(C) Oregon Revised Statutes or any edition thereof; or

(D) Reports and publications of the Oregon Supreme Court, the Oregon Court of Appeals and the Oregon Tax Court. [1995 c.69 §4; 2005 c.33 §2]

(Duties, Powers and Location)

357.005 State Library duties and powers; 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 people who are blind or print-disabled 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 statewide development and coordination of library services.

(j) Prescribe the conditions for use of state documents in depository libraries, and provide for permanent public access to state government publications.

(k) Report statistical data on public, school and other 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. [Formerly 357.080; 1993 c.29 §1; 2003 c.172 §1; 2005 c.33 §3]

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. (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 171.562 and 171.565.

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

(3) The members shall elect a chairperson 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; rules. 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 chapter 183, adopt rules for its operation.

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

(4) Adopt long-range plans for the statewide 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) 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; 1995 c.69 §9]

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 Authority of trustees. 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. (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, ORS 357.015 (6) and 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, ORS 357.015 (6) and 357.195 to the trustees. [Amended by 1975 c.476 §11; 1995 c.69 §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 Personnel Relations 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]

(Public Documents)

357.090 Issuing agency to make public documents available for distribution; public documents liaison officer; list of all public documents; no charge for access by library. (1) Unless a greater or lesser number is agreed upon by the State Librarian and the issuing agency, the Oregon Department of Administrative Services or, in the event the department is unable to furnish the requisite number of copies of the public document, the issuing agency shall make available to the State Librarian for distribution to depository libraries 10 copies of all public documents that are printed or produced in any other tangible medium. The department may withhold the prescribed number of copies from each printing order and forward them to the State Librarian. The cost of printing for all copies of a public document furnished to the State Librarian in compliance with this subsection shall be borne by the issuing agency. An issuing agency shall make available to the State Library electronic versions of the agency's public documents that are produced in a tangible medium. An issuing agency shall also designate all public documents that are published electronically so that the document may be made available to the State Library.

(2) The head of each issuing agency or a designee shall be the public documents liaison officer for the agency and shall be responsible for carrying out the agency's obligations under this section. Each issuing agency shall notify the State Librarian of the name of the agency's public documents liaison officer.

(3) Each issuing agency shall provide to the State Librarian an annual listing of all public documents, including those produced in electronic form, that the agency has made available to the public during the preceding year.

(4) Issuing agencies shall not charge any public, school or academic library for access to information produced by the agency and maintained in electronic form. [1995 c.69 §5; 2001 c.539 §13; 2005 c.33 §4]

357.095 Designation of depository libraries. The Trustees of the State Library shall designate no more than 10 libraries as depository libraries, which shall be entitled to receive copies of public documents that are printed or produced in any other tangible medium and are deposited with the State Librarian under ORS 357.090. Selection of libraries shall be based upon the size of population served, geographic distribution and the ability of the library to provide the public with access to these public documents. [1995 c.69 §6; 2005 c.33 §5]

357.100 State Library responsible for receipt of and access to public documents. (1) The State Library shall be the agency responsible for receiving copies of public documents and making them available to depository libraries.

(2) The State Librarian shall periodically assess the performance of depository libraries and report the results of these assessments to the Trustees of the State Library.

(3) The State Library shall ensure permanent public access to public documents, regardless of the format of the document. [1995 c.69 §7; 2005 c.33 §6]

357.105 Free access to certain public documents. Depository libraries shall make available for free access by all persons the public documents made available to them by the State Librarian under ORS 357.090 to 357.100. [1995 c.69 §8]

(Finances)

357.195 State Library Donation Fund; Talking Book and Braille Library Endowment Fund. (1) The State Library Donation Fund is established separate and distinct from the General Fund. The following moneys shall be placed in the fund:

(a) Gifts and donations to the State Library;

(b) The interest, income, dividends or profits received on any property or funds of the State Library derived from gifts, legacies, devises, bequests, endowments or other donations;

(c) Other interest earned by the fund; and

(d) Any other moneys placed in the fund as provided by law.

(2) Moneys in the fund that are derived from profits, interest or other earnings traceable to a specific gift, legacy, devise, bequest, endowment or other donation shall be used in the same manner as the principal or corpus of the gift, legacy, devise, bequest, endowment or other donation.

(3) The State Treasurer shall credit monthly to the fund any interest or other income derived from the fund or the investing thereof.

(4) The Trustees of the State Library may establish a Talking Book and Braille Library Endowment Fund as a subaccount of the State Library Donation Fund.

(5) Moneys in the State Library Donation Fund are continuously appropriated to the State Library for use by, and support and maintenance of, the State Library. Claims against the fund shall be approved and warrants issued in the manner provided by law. [Formerly 357.270; 1989 c.966 §42; 2001 c.379 §1; 2005 c.755 §28]

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 and all federal grants and other revenues received, except those described in ORS 357.195. Moneys deposited with the treasurer under this subsection shall be deposited into the Miscellaneous Receipts Account for the State Library and are continuously appropriated to the State Library 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; 2001 c.716 §28]

357.203 Assessment against state agencies for operating costs of State Library and State of Oregon Law Library. (1) The State Library and State of Oregon Law Library operating budget for services to state agencies shall be assessed against all state agencies except the Oregon University System. The State Library assessment shall be apportioned among the agencies as follows:

(a) One-third of the assessment shall be based on the use of the State Library by the agency; and

(b) Two-thirds of the assessment shall be based on the number of full-time equivalent employees budgeted by the agency.

(2) Except as provided in subsection (4) of this section, the Oregon Department of Administrative Services shall cause the amount assessed to be transferred from the moneys appropriated to each state agency to the Miscellaneous Receipts Account for the State Library.

(3) Subject to the provisions of subsection (5) of this section, the department shall determine and may at any time redetermine which state funds or appropriations shall be assessed a reasonable share of State Library

and State of Oregon Law Library operating expenses that support state agencies. In determining or redetermining the funds that shall be so assessed:

(a) A fund consisting of moneys the use of which is restricted by the Oregon Constitution shall be assessed only those governmental service expenses ascertained as being necessarily incurred in connection with the purposes set forth in the Oregon Constitution.

(b) Trust funds shall be assessed only those governmental service expenses ascertained as being necessarily incurred in connection with the purposes for which the trust fund was established.

(c) State agencies shall be assessed only the State Library and State of Oregon Law Library expenditures that support state agencies.

(4) The Oregon Department of Administrative Services shall cause the amount assessed against state agencies for the operating budget of the State of Oregon Law Library to be transferred to the Judicial Department. Moneys transferred under this subsection are continuously appropriated to the Judicial Department and may be used only for the costs of operating the State of Oregon Law Library.

(5) Unless the Oregon Department of Administrative Services and the Judicial Department agree to a different methodology and formula, the State of Oregon Law Library assessment shall be apportioned on the basis of the number of full-time equivalent employees budgeted by the agency. [1993 c.685 §4; 1997 c.801 §102; 2001 c.779 §9; 2005 c.538 §1]

(Grants)

357.206 Financial assistance to public, school, tribal and academic libraries; grants. (1) The state shall provide financial assistance for library resource sharing activities to public, school, tribal and academic libraries from funds specifically appropriated therefor in order to implement ORS 357.005 (2)(d), which provides for a statewide network of all types of libraries. The grants shall be provided only to libraries that make interlibrary loans at no charge to other public, school, tribal and academic libraries in this state and shall be expended for one or more of the following purposes:

(a) To provide matching grants and other assistance to facilitate the statewide licensing of electronic databases for all types of libraries;

(b) To reimburse a library that serves as a regional center for the referral of reference questions from other libraries or provides reference services in connection with a statewide cooperative reference services project; and

(c) To provide matching grants or other assistance to facilitate statewide ground delivery of library materials to public, school, tribal and academic libraries.

(2) As used in this section, "tribal library" means a library operated by a federally recognized Indian tribe in Oregon. [1993 c.685 §1; 2003 c.582 §1; 2005 c.98 §1]

357.209 Rules; contracts. The Trustees of the State Library shall administer the provisions of ORS 357.203 to 357.212 and shall adopt rules governing the application for and granting of funds. Funds granted for reference services by one library for other libraries may be arranged by contract. [1993 c.685 §2; 2003 c.582 §2]

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

357.212 Application. Public libraries, established in accordance with ORS 357.410, school libraries, tribal libraries, as defined in ORS 357.206, or any academic library in Oregon may apply for resource sharing grants on an annual basis. [1993 c.685 §3; 2003 c.582 §3; 2005 c.98 §2]

LIBRARY DISTRICTS

357.216 Definitions for ORS 357.216 to 357.286. As used in ORS 357.216 to 357.286, unless the context requires otherwise:

(1) "County governing body" means the county court or board of county commissioners of the county.

(2) "County" means the county in which the administrative office of the district is located.

(3) "District" means a library district formed under ORS 198.010, 198.180, 198.510, 198.705, 255.012, 357.216 to 357.286 and 357.400.

(4) "District board" or "board" means the governing body of a district. [1981 c.226 §1; 2007 c.179 §7]

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

357.221 District formation; petition requirements. (1) A library district may be created as provided in ORS 198.705 to 198.955 and 357.216 to 357.286.

(2) In addition to other required matters, a petition for formation of a district shall state the method of election of the board of the proposed district from among the methods described in ORS 357.241. [1981 c.226 §2]

357.223 Multicounty district formation; procedure. (1) In addition to other methods for formation of a district authorized under ORS chapter 198 and ORS 357.216 to 357.286, the governing body in each of two

or more counties may initiate the formation of a multicounty district, to be located entirely within those counties, by an order setting forth:

(a) The intention of the county governing body to initiate the formation of a district and citing the principal Act.

(b) The name and boundaries of the proposed district.

(c) The date, time and place of a public hearing on the proposal.

(2) The orders issued under subsection (1) of this section must be substantially similar, set forth the same name and boundaries for the proposed district and be issued within a 90-day period.

(3) Each county governing body issuing an order under this section shall hold a public hearing on the proposal.

(4) After the public hearings held by each county governing body, further hearings and the election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825 except that:

(a) Hearings shall be conducted by the governing body of the principal county involved in the proposed formation; and

(b) Notwithstanding ORS 198.810 (3), the governing body of the principal county shall provide by order for the holding of an election to submit to the electors registered within the proposed district the question of forming the district.

(5) As used in this section, "principal county" has the meaning given that term in ORS 198.705. [1987 c.578 §2; 2005 c.747 §6]

357.226 District board members; appointment of librarian. (1) The officers of the district shall be a board of five members, to be elected by the electors of the district. The district board shall appoint a district librarian, who shall be the secretary for the district.

(2) Any elector residing within the district shall be qualified to serve as a district board member. [1981 c.226 §3]

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

357.231 Number of board members; terms. (1) Five district board members shall be elected at the election for district formation. Nominating petitions or declarations of candidacy described in ORS 249.031 shall be filed with the county governing body. The fee for a declaration of candidacy shall be as prescribed in ORS 255.235.

(2) If the effective date of the formation of the district occurs in an odd-numbered year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms.

(3) Each district board member shall hold office until election and qualification of a successor. [1981 c.226 §4; 1999 c.318 §51]

357.233 Election laws applicable. (1) ORS chapter 255 governs the following:

(a) The nomination and election of district board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §220]

357.236 Election of board members; vacancy. (1) If two or three board members are to be elected at a regular district election at large, the candidates receiving the highest number of votes shall be elected. If one or more board members are to be elected by zone, the candidate receiving the highest number of votes in each zone shall be elected.

(2) Each district board member elected shall take an oath of office and shall hold office from July 1, next following election.

(3) The district board shall fill any vacancy on the board as provided in ORS 198.320.

(4) The term of a district board member is four years. [1981 c.226 §5; 1983 c.350 §218; 1983 c.514 §20]

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

357.241 Method of electing board members. (1) The district board members may be elected in one of the following methods or a combination thereof:

(a) Elected by the electors of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by electors of the zones. [1981 c.226 §6]

357.246 Change in method of electing board members. (1) This section establishes the procedure for determining whether the method adopted in a district for nominating and electing board members should be changed to another method described in ORS 357.241. The question shall be decided by election. The district board:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the number of existing zones, the following requirements shall apply:

(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title shall not exceed 150 words. The statement:

(A) Shall specify the method of election of board members from among the methods described in ORS 357.241. The statement also shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any zone or only for a candidate from the zone in which the elector resides.

(B) Shall include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election shall contain a map of the proposed zone boundaries and a metes and bounds or legal description of the proposed zone boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk shall not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the number of existing zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by electors who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot. [1981 c.226 §7; 1983 c.350 §221; 1995 c.79 §196; 1995 c.534 §16]

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

357.251 Zone boundaries. The board shall adjust the boundaries of zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The district board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district. [1981 c.226 §8; 1983 c.350 §222]

357.253 Boundary change to be filed with county assessor and Department of Revenue. For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §18]

357.256 Board as district governing body; selection of president. (1) The district board shall be the governing body of the district and shall exercise all powers thereof.

(2) At its first meeting or as soon thereafter as may be practicable, the board shall choose one of its members as president. [1981 c.226 §9]

357.260 [Repealed by 1975 c.476 §34]

357.261 District; powers. A library district has the power:

(1) To have and use a common seal.

(2) To sue and be sued in its name.

(3) To make and accept any and all contracts, deeds, leases, releases and documents of any kind which, in the judgment of the board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(4) To assess, levy and collect taxes to pay the cost of acquiring sites for and constructing, reconstructing, altering, operating and maintaining a library or any lawful

claims against the district, and the operating expenses of the district.

(5) To employ all necessary agents and assistants.

(6) To call elections after the formation of the district.

(7) To enlarge the boundaries of the district as provided by ORS 198.705 to 198.955.

(8) Generally to do and perform any and all acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

(9) Whenever authorized by the electors, to issue general obligation bonds of the district. However, the aggregate amount of general obligation bonds issued and outstanding at any one time shall not exceed two and one-half percent of the real market value of all taxable property of the district, computed in accordance with ORS 308.207.

(10) To exercise those powers granted to local government units for public libraries under ORS 357.410. [1981 c.226 §10; 1983 c.350 §223; 1991 c.459 §386; 2001 c.104 §122; 2003 c.802 §100]

357.266 Financing district activities; limitation on assessment. Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount in dollars and cents shall not exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the district computed in accordance with ORS 308.207. [1981 c.226 §11; 1991 c.459 §387]

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

357.271 Sinking funds for acquisition of facilities; limitation on use of funds. The board, by resolution duly adopted, may establish sinking funds for the purpose of defraying the costs of acquiring land for library sites, and for acquiring or constructing buildings or facilities. A sinking fund may be created through the inclusion annually within the tax budget of the district of items representing the yearly installments to be credited to the fund. The amount of these items shall be collected and credited to the proper fund in the same manner in which taxes levied or revenues derived for other purposes for the district are collected and credited. The balances to the credit of the funds need not be taken into consideration or deducted from budget estimates by the levying authority in preparing the annual budget of the district. None of the moneys in sinking funds shall be diverted or transferred to other funds, but if unexpended balances remain after disbursement of the funds for the purpose for which they were created, such balances, upon approval by resolution of the board, shall be transferred to the operation and maintenance fund of the district. [1981 c.226 §12]

357.276 Deposit and disbursement of district funds. (1) The money of the district shall be deposited, in the discretion of the district board, either with the county treasurer of the county, in accordance with subsections (2) to (4) of this section, or in one or more banks or savings and loan associations to be designated by the board. Funds deposited in a bank or savings and loan association shall be withdrawn or paid out only upon proper order and warrant or check signed by the secretary and countersigned by the president of the district board. The board may by resolution designate a secretary pro tempore or a president pro tempore who may sign warrants or checks on behalf of the secretary and president, respectively.

(2) If district funds are deposited with the county treasurer, when the tax collector pays over to the county treasurer moneys collected for a district, the county treasurer shall keep the moneys in the county treasury as follows:

(a) The county treasurer shall place and keep in a fund called the operation and maintenance fund of the district (naming it) the moneys levied by the district board for that fund.

(b) The county treasurer shall place and keep in a fund called the construction fund of the district (naming it) the moneys levied by the board for construction, reconstruction and alteration.

(3) The county treasurer shall pay out moneys from the funds only upon the written order of the board, signed by the president and countersigned by the secretary. The order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made. The order shall be entered in the minutes of the board.

(4) The county treasurer shall keep the order as a voucher, and shall keep a specific account of the county treasurer's receipts and disbursements of money for the district. [1981 c.226 §13]

357.280 [Repealed by 1953 c.300 §5]

357.281 Legal assistance. The district board may call upon the district attorney for the advice as to any district business. The district attorney shall give advice when called on therefor by the board. The board may at any time employ special counsel for any purpose. [1981 c.226 §14]

357.286 Retirement system for employees. A district may establish an employees' retirement system as provided for rural fire protection districts under ORS 478.355 to 478.370. [1981 c.226 §15]

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 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 the state of the attorney general. 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 the state officer or agency as to all matters within the state officer's or agency's 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 the administrator's state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon the administrator by the laws of the state of the administrator 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 Interstate Library 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 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 Interstate Library 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 Interstate Library 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 ORS chapter 451, school district, community college district or a library district established under ORS 357.216 to 357.286.

(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; 1981 c.226 §17; 1983 c.740 §119]

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 190.003 to 190.620 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 287A 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) When a petition requesting an election on the question of establishing and supporting a public library is filed as provided in this section, the governing body shall make and enter an order for an election requesting approval by the electors 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 electors of the establishment and support of a public library.

(2) Except as provided in subsection (3) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(3) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(4) Elections held under this section shall be held on a date specified in ORS 255.345. [Formerly 357.451; 1981 c.909 §10; 1983 c.350 §224]

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 ORS 357.417 (1)(a) or (c), 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 local option tax to be submitted to the electors pursuant to ORS 357.525, the order shall so state. The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 250 and 255. [Amended by 1955 c.432 §7; 1961 c.251 §9; 1975 c.476 §19; 1983 c.350 §225; 1999 c.21 §69]

357.435 Local government required to file plan with State Library. 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 statewide 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 Financial interest of public library board and appointive body; compensation. (1) 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.

(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 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. The library board of a city, county or county service district, as determined by the governing body, shall consist of not less than five members nor more than 15 members. 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 six members or 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; 1983 c.208 §1; 1991 c.569 §1]

357.470 Board organization; name of library. After appointment, the public library board shall meet and organize by the election of a chairperson 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 local option tax. (1) A local option tax for any of the purposes stated in ORS 357.410, 357.417 or 357.490 shall be submitted at an election as provided in this section. The governing body of the local government unit:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) The resolution or the petition calling the election under this section 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.

(3) Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(4) If ORS 250.265 to 250.346 apply to a city, then notwithstanding ORS 250.325, the city governing body shall submit the local option tax question to the electors without first considering its adoption or rejection.

(5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapter 250 and:

(a) In the case of a county or city, ORS chapters 246 to 260.

(b) In the case of any other local government unit, ORS chapter 255.

(7) Upon approval by a majority of the electors voting at the election, the taxing unit shall levy each year during the approved period the amount so approved. The tax proceeds shall be handled as provided by ORS 357.410 or 357.430, or as otherwise provided by law. [Formerly 357.455; 1983 c.350 §226; 1995 c.79 §197; 1999 c.21 §70]

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 357.200, 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 357.200, 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 357.200, 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. 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 TO CHILDREN

357.740 State grants to local units of government. 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 develop public library services for children, with emphasis on preschool children. [1977 c.291 §1; 1993 c.20 §1]

357.750 Applications for grants; uses of grant moneys; rules. Units of local government and counties may apply to the Trustees of the State Library 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 early literacy services for children from birth to five years of age and to provide the statewide summer reading program, as defined by rule of the Trustees of the State Library, for children from birth to 14 years of age. [1977 c.291 §2; 1993 c.20 §2; 2007 c.191 §1]

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 [1977 c.291 §5; 1985 c.257 §1; 1991 c.602 §1; repealed by 2005 c.128 §1]

357.780 Grants for public library services to children; basis of distribution of funds. (1) The Trustees of the State Library shall disburse moneys under this section based on the estimated total population of children, from birth to 14 years of age, in the state. For those areas of the state not served by local public libraries, the moneys available shall be reallocated to qualifying public libraries. A public library which begins providing library service to previously unserved population shall be eligible for grants from the moneys appropriated for purposes of this section. Upon satisfactory application therefor, the Trustees of the State Library shall cause the appropriate amount to be paid to the public library.

(2) The Trustees of the State Library shall distribute 80 percent of the funds specifically appropriated by the Legislative Assembly on a per child basis 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 consolidated county library that is the primary provider of public library services to all persons in a county, or to each library district that is the primary provider of public library services in a county, a per capita amount for each child residing in the county.

(b) Where public library services are provided by a public library for which the governing authority has jurisdiction in more

than one county, there shall be paid to that library a per capita amount for each child residing therein.

(c) Where public library services are not provided as described in paragraph (a) or (b) of this subsection, but by a library of which the governing authority is the primary provider of public library services to a jurisdiction less than county wide, there shall be paid to the library a per capita amount for children residing therein. In addition, a public library having a valid contract with a unit of local government to provide library services to a population beyond its governing authority's jurisdiction shall be paid a per capita amount for the population of children served if specified in the contract. The number of children residing within a jurisdiction that is less than a county shall be estimated using the percentage of children in the total population of the county.

(d) Where public library services are not provided as described in paragraph (a), (b) or (c) of this subsection, but are provided by a county or district library that has a valid contract with one or more libraries to provide persons in their jurisdiction with library services, there shall be paid to the county or district library a per capita amount for each child residing therein, exclusive of the populations served by libraries eligible for grants under paragraph (c) of this subsection.

(3) The Trustees of the State Library shall distribute 20 percent of the funds specifically appropriated by the Legislative Assembly for public library services on an area basis.

(4) The Trustees of the State Library may not make a grant that is less than $1,000 to a qualifying public library for public library services for children. [1979 c.835 §2; 1985 c.257 §2; 1987 c.92 §5; 1991 c.602 §2; 1993 c.20 §3; 2007 c.191 §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" and "state agency" are defined by ORS 192.005. [Formerly 358.005; 1999 c.55 §2]

357.810 [Renumbered 357.955]

357.815 State Archivist. 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 Personnel Relations 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; rulemaking authority. (1) 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. The State Archivist is constituted official custodian of all such records, writings or materials deposited in, acquired for, or transferred upon requisition by the State Archivist to the custody of the State Archivist for the state archives.

(2) The State Archivist shall adopt rules for state agencies and guidelines for local governments relating to the physical care to be afforded public records and the means of public access to public records consistent with their physical safety.

(3) The State Archivist by rule shall describe or designate state public records that are to be considered inactive. [Formerly 358.020; 1991 c.671 §8]

357.830 [Renumbered 357.975]

357.835 Transfer of public records to State Archivist. (1) Except as otherwise provided by law, when the State Archivist has determined that 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 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 the custody of the State Archivist.

(2) If a state agency is abolished or ceases to operate, its public records and writings shall be transferred to the 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 shall deposit with the State Archivist for safekeeping in the custody of the State Archivist records of their offices that are used for historical rather than current administrative purposes. [Formerly 358.030; 1991 c.671 §9]

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 the successor of the public officer, or political subdivision, that filed it; or upon request may furnish the public officer or the successor of the public officer, 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, access to and may examine and receive any public records or writings whether or not they are subject to public inspection. The State Archivist shall maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law. [Formerly 358.070; 1991 c.671 §10]

357.885 Fees of State Archivist. The Secretary of State shall prescribe fees to be charged and collected by the State Archivist for official services rendered as State Archivist. All moneys received pursuant to this section shall be deposited in the miscellaneous receipts account established pursuant to ORS 279A.290 for the State Archivist. [Formerly 358.080; 1973 c.439 §11; 1995 c.144 §1; 2003 c.18 §4; 2003 c.794 §264a]

357.895 Rules. In accordance with ORS chapter 183, the State Archivist shall issue rules and regulations to carry out the powers and duties of the State Archivist under ORS 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]

POET LAUREATE

357.925 Poet Laureate office; qualifications; term. (1) There is established the office of Poet Laureate of the State of Oregon for the purpose of honoring the resident poets of Oregon who have been most responsible for capturing the beauty and spirit of the state through the medium of verse.

(2) The person appointed to the office of Poet Laureate of the State of Oregon must be a person who:

(a) Has been a resident of Oregon for at least 10 years.

(b) Is currently a resident of Oregon.

(c) Is publicly recognized as a poet and is well regarded for excellence in the person's work.

(d) Has a significant body of published work.

(e) Agrees to the conditions and the term of the appointment.

(3) Within one year after the office of Poet Laureate of the State of Oregon becomes vacant, the Governor shall appoint a qualified person to the office of Poet Laureate of the State of Oregon to serve at the pleasure of the Governor for a term of two years. A person may not serve for more than two consecutive terms as Poet Laureate of the State of Oregon. [1989 c.122 §§1,2,3; 2003 c.14 §160; 2005 c.695 §1]

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

357.940 [Repealed by 1955 c.276 §2]

357.950 [Renumbered 358.840]

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]

PROHIBITED ACTIONS

357.975 Willful detention of library property. It shall be unlawful for any person willfully 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 a Class B violation. 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; 1983 c.208 §2; 1999 c.1051 §176]