

CHAPTER 328

AN ACT

HB 3523

Relating to the State Library; creating new provisions; amending ORS 357.031, 357.035, 357.040, 357.050, 357.095, 357.100, 357.195, 357.200, 357.203, 357.206, 357.209, 357.410, 357.750, 357.760, 357.780 and 358.575; and repealing ORS 357.003, 357.005, 357.010 and 357.015.

Be It Enacted by the People of the State of Oregon:

SECTION 1. It is the policy of the State of Oregon to have a State Library that:

- (1) Provides library services suitable to support state government needs and operations;
- (2) Provides efficient library services for Oregonians who are print-disabled;
- (3) Promotes the establishment, development and support of local library services;
- (4) Promotes and supports library services for children and youth;
- (5) Eliminates duplication of state agency library services;
- (6) Leverages federal, state and local funding for the benefit of state and local libraries;
- (7) Promotes the electronic delivery of library and information resources and services;
- (8) Promotes public, nonprofit and private partnerships; and
- (9) Maintains free access for the public to State Library materials.

SECTION 2. The State Library shall carry out the functions prescribed in ORS 357.001 and section 1 of this 2015 Act as follows:

- (1) The State Library shall support the needs and operations of state government by maintaining and developing appropriate collections of library services to supplement the collections and services of other libraries in this state and to meet the reference and research needs of state government.
- (2) The State Library shall provide library services to persons who are print-disabled by:
 - (a) Acting in cooperation with the Library of Congress in the provision of library materials and services for persons who are print-disabled; and
 - (b) Contracting with other entities to provide such materials and services.
- (3) The State Library shall promote the establishment, development and support of local library services by:
 - (a) Expending moneys as may be available to the State Library to demonstrate, develop and support library services in accordance with long-range plans for statewide development and coordination of library services;
 - (b) Providing advice and assistance to libraries, library boards, units of local government empowered to establish libraries and

departments of state government in matters concerning the establishment, support, operation, improvement and coordination of library services and the cooperation among libraries; and

(c) Providing for in-service and continuing education programs for library personnel in this state.

(4) The State Library shall promote library services for children and youth by distributing to local libraries state grant funds appropriated to the State Library for library services and programs for children and youth.

(5) The State Library shall prescribe the conditions for the use of government publications in depository libraries and provide for public access to state government publications.

(6) The State Library shall biennially report to the Legislative Assembly and the Oregon Department of Administrative Services statistical data on:

(a) The effectiveness of library services provided to state government;

(b) The effectiveness of services provided to persons who are print-disabled;

(c) The degree to which local and school libraries in this state provide library services to the people of this state; and

(d) The scope and effectiveness of library services for children and youth funded by state grant funds.

(7) The State Library shall carry out all other activities authorized by law for the development of library services for the people of this state.

(8) The State Library shall lend State Library books free of charge to the people of Oregon through existing libraries.

SECTION 3. The State Library may:

(1) With the advice of the libraries of this state, establish and 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 outside their normal service areas; and

(2) 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.

SECTION 4. (1) The State Library Board is established, consisting of nine voting members.

(2) The Governor, after consultation with the Oregon Library Association, shall appoint seven voting members as follows:

(a) Two members from two different state agencies;

(b) One member representing a public library in eastern Oregon;

(c) One member representing a public library in western Oregon;

(d) One public member from eastern Oregon;

(e) One public member from western Oregon; and

(f) One member representing a community college library or a public university library in this state.

(3) The Deputy Superintendent of Public Instruction, or a designee of the deputy superintendent, shall be a voting member of the board.

(4) The administrator of the Commission for the Blind, or a designee of the administrator, shall be a voting member of the board.

(5) The State Librarian shall serve ex officio as a nonvoting member of the board.

(6) A board member described in subsection (2) of this section shall serve a four-year term, but a member described in subsection (2) of this section serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(7) A board member described in subsection (2) of this section shall be eligible for reappointment for only one additional term, but any person may be reappointed to the board after an interval of one year.

(8) The appointment of a board member described in subsection (2) of this section is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(9) A member of the State Library Board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 5. (1) The Trustees of the State Library is abolished on the effective date of this 2015 Act. Any moneys or property held by the Trustees of the State Library on the effective date of this 2015 Act are transferred to the State Library Board. For all purposes, on the effective date of this 2015 Act the State Library Board shall serve as the successor in interest to the Trustees of the State Library.

(2) Notwithstanding section 4 of this 2015 Act, the members of the Trustees of the State Library on the day before the effective date of this 2015 Act shall serve as the initial members of the State Library Board who are described in section 4 (2) of this 2015 Act. The Governor shall designate which of the initial members of the board serves for the following specified terms:

(a) Three shall serve for terms ending June 30, 2016. Upon expiration of the terms, two shall be replaced by members from two different state agencies and one shall be replaced by a member

representing a community college library or public university library in this state.

(b) Two shall serve for terms ending June 30, 2017.

(c) Two shall serve for terms ending June 30, 2018.

SECTION 6. (1) The State Library Board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once every three months at a place, day and hour determined by the board. The board may also meet at other times and places specified by the call of the chairperson or of a majority of the members of the board.

SECTION 7. The State Library Board shall be the policy-making body for the State Library. The State Library Board shall:

(1) Formulate general policies for the State Library to provide the framework for library operations;

(2) Adopt rules to carry out the purposes for which the State Library is established or for any other purpose authorized by law;

(3) In consultation with the Oregon Library Association, the Oregon Heritage Commission and other related organizations, adopt long-range strategic plans for the continued improvement and development of the State Library and develop key performance measures to track progress;

(4) Review and approve budget requests for the State Library that align with the board's long-range plans;

(5) Develop, adopt and modify a technology plan, including long-range expenditures, for the purchase of subscriptions statewide, for reference-based databases, digitization of records for public libraries and integration of services provided by the State Library;

(6) Conduct certifications of state agency libraries or library services under section 19 of this 2015 Act;

(7) Review and monitor the State Library and the State Library's work in the State Reference Coordinating Council established under section 15 of this 2015 Act;

(8) 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; and

(9) Report to the Legislative Assembly in January of each odd-numbered year on the State Library's efforts to:

(a) Achieve the statutory mission and programmatic outcomes of the State Library;

(b) Implement initiatives and improvements to interagency coordination;

(c) Implement initiatives and improvements to the electronic delivery of government publications and services;

(d) Implement initiatives and improvements to State Library reference services to state agencies;

(e) Enter into public, nonprofit and private partnerships and report the number of the partnerships entered into by the State Library; and

(f) Reduce duplication in state agency services and costs related to the mission of the State Library.

SECTION 8. The State Library Board shall adopt rules:

(1) Defining reasonable public access to the State Library and its resources and materials.

(2) Defining State Library resources, including, but not limited to, print, electronic, subscription and reference services.

(3) Establishing processes and procedures related to state agency use of State Library resources, as defined in rules adopted under subsection (2) of this section. The rules shall provide that the State Library shall fulfill only state agency requests for resources or services that pertain to the conduct of state business.

SECTION 9. ORS 357.031 is amended to read: 357.031. The [Trustees of the] State Library Board 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.

SECTION 10. ORS 357.035 is amended to read: 357.035. Subject to the provisions of ORS 291.260 and 291.375, the [Trustees of the] State Library Board is [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.

SECTION 11. ORS 357.040 is amended to read:

357.040. (1) The [Trustees of the] State Library Board 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] board or to the State of Oregon for the benefit of the library.

(2) The [trustees] board 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 to the board by this section[, ORS 357.015 (6) and 357.195 to the trustees] and ORS 357.195 and section 7 of this 2015 Act.

(3) The [trustees] board 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 to the board by this section[, ORS 357.015 (6) and 357.195 to the trustees].

SECTION 12. (1) The Governor shall appoint a State Librarian subject to confirmation in the Senate in the manner provided in ORS 171.562 and 171.565.

(2) The State Librarian 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 Governor.

SECTION 13. Notwithstanding section 12 of this 2015 Act, the individual serving as State Librarian on the day before the effective date of this 2015 Act may serve as State Librarian until July 1, 2017.

SECTION 14. ORS 357.050 is amended to read:

357.050. The State Librarian shall:

(1) Serve as Secretary to [the Trustees of] the State Library Board and keep the official record of [their] the board's 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] board.

(3) Serve on the State Reference Coordinating Council established under section 15 of this 2015 Act.

SECTION 15. (1) There is established a State Reference Coordinating Council whose duties are to coordinate the delivery of library, information and reference services provided by the State Library, the State Archives and the State of Oregon Law Library, to clarify the roles of the State Library, State Archives and State of Oregon Law Library and to promote collaboration and reduce duplication of effort.

(2) The council shall comprise the State Librarian, the State Archivist and the State of Oregon Law Librarian, or their designees.

(3) The council shall meet at least semiannually to develop and improve plans for the coordination of library, information and reference services among state agencies.

(4) The State Library, State Archives and State of Oregon Law Library shall provide meeting facilities, staff and administrative support for the council.

(5) The council shall develop a plan to provide coordinated online access to online services provided by the State Library, State Archives and State of Oregon Law Library.

SECTION 16. (1) The State Library, in coordination with the Oregon Department of Administrative Services, shall approve the selection, negotiation, purchase and maintenance of subscriptions statewide, for reference-related databases, and physical and digital subscriptions for all state agencies.

(2) Each state agency shall obtain the written approval of the State Librarian prior to purchasing reference-related databases or physical and digital subscription licenses.

(3) The State Library Board shall adopt rules pertaining to the review and approval process described in this section.

SECTION 17. ORS 357.095 is amended to read: 357.095. The [Trustees of the] State Library Board shall designate no more than 10 libraries as depository libraries, which shall be entitled to receive copies of [public documents] **government publications** 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] **government publications**.

SECTION 18. ORS 357.100 is amended to read: 357.100. (1) The State Library shall be the agency responsible for receiving copies of [public documents] **government publications** 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 Board.

(3) The State Library shall ensure [permanent] public access to [public documents] **government publications**, regardless of the format of the document.

SECTION 19. (1) The State Library shall certify each biennium any state agency library or library service that is maintained separate from the State Library or that is proposed to be maintained separate from the State Library.

(2) The State Library Board shall adopt rules relating to the certification process and review criteria.

(3) The State Library Board shall report to the Legislative Assembly each January of an odd-numbered year on the list of state agency libraries or library services that fail to be certified or recertified by the State Library under this section.

SECTION 20. ORS 357.195 is amended to read:

357.195. (1) The State Library Donation Fund is established in the State Treasury, 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 Board 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.

SECTION 21. ORS 357.200 is amended to read:

357.200. (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 and 357.203. 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.

SECTION 22. ORS 357.203 is amended to read:

357.203. (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] **State Library Assessment Account established under subsection (6) of this section.**

(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.

(6) The State Library Assessment Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Oregon Department of Administrative Services and apportioned to the State Library under this section shall be paid into the account and are continuously appropriated to the State Library for the purposes of the State Library.

SECTION 23. ORS 357.206 is amended to read:

357.206. (1) The state shall provide financial assistance for library resource sharing activities to public, school, tribal and academic libraries from funds specifically appropriated [therefor] **for that purpose** in order to implement [ORS 357.005 (2)(d), which provides for a statewide network of all types of libraries] **section 2 (3) of this 2015 Act, which requires the State Library to promote the establishment, development and support of local library services.** 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.

SECTION 24. ORS 357.209 is amended to read:

357.209. The [Trustees of the] State Library **Board** 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.

SECTION 25. ORS 357.410 is amended to read:

357.410. 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 **Board** 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.

SECTION 26. ORS 357.750 is amended to read:

357.750. Units of local government and counties may apply to *[the Trustees of]* the State Library **Board** for annual establishment and development grants. The grants may be made from funds specifically appropriated *[therefor]* **for that purpose** and are to be used to establish, develop or improve public library early literacy services for children from birth to six years of age and to provide the statewide summer reading program, as defined by rule of *[the Trustees of]* the State Library **Board**, for children from birth to 14 years of age.

SECTION 27. ORS 357.760 is amended to read:

357.760. The *[Trustees of the]* State Library **Board** 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.

SECTION 28. ORS 357.780 is amended to read:

357.780. (1) The *[Trustees of the]* State Library **Board** 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]* **that** 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 **Board** shall cause the appropriate amount to be paid to the public library.

(2) The *[Trustees of the]* State Library **Board** 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]* **ensure** the same population *[shall not be]* **is not** 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 **Board** 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 **Board** may not make a grant that is less than \$1,000 to a qualifying public library for public library services for children.

SECTION 29. ORS 358.575 is amended to read:

358.575. (1) The voting members of the Oregon Heritage Commission shall be representatives of:

(a) Heritage interests, including Indian tribes with federal recognition, that reflect the cultural and geographic diversity of this state; and

(b) Heritage interests reflected in community institutions, libraries, museums, architecture, archaeology and historic preservation.

(2) The advisory members of the commission shall be:

(a) One member designated by the Director of the Department of Land Conservation and Development;

[(b) One member designated by the Trustees of the State Library;]

(b) The State Librarian or a designee of the librarian;

(c) One member designated by the Higher Education Coordinating Commission;

(d) One member designated by the Oregon Tourism Commission;

(e) One member designated by the Superintendent of Public Instruction;

(f) The Executive Director of the Oregon Historical Society or a designee of the executive director;

(g) The State Archivist or a designee of the archivist;

(h) The Coordinator of the State Historical Records Advisory Board or a designee of the coordinator; and

(i) The State Historic Preservation Officer or a designee of the officer.

SECTION 30. Sections 1, 2, 3, 4, 6, 7, 8, 12, 16 and 19 of this 2015 Act are added to and made a part of ORS 357.001 to 357.200.

SECTION 31. Unless specifically identified, ORS 357.001 to 357.200 do not apply to:

(1) The State Archives, or to databases, information resources, subscription licenses or other services or resources provided by the State Archives; or

(2) The State of Oregon Law Library or county law libraries, or to legal databases, information resources, subscription licenses or other law-related services or resources.

SECTION 32. ORS 357.003, 357.005, 357.010 and 357.015 are repealed.

Approved by the Governor June 10, 2015

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