OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 543
OREGON STATE LIBRARY

FILED
09/12/2025 3:04 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifying and collecting rules for public libraries, including official recognition, and providing common definitions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/24/2025 9:30 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Buzzy Nielsen
971-375-3486
buzzy.nielsen@slo.oregon.gov

250 Winter St NE
Salem,OR 97301

Filed By:
Susan Westin
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/24/2025
TIME: 9:05 AM - 9:30 AM
OFFICER: Wendy Cornelisen

REMOTE HEARING DETAILS
PHONE NUMBER: 503-378-5015
SPECIAL INSTRUCTIONS:
Please contact Jessica Sokoloff at 503-378-5015 or jessica.sokoloff@slo.oregon.gov for the remote hearing details.

NEED FOR THE RULE(S)

These rule changes do the following:
1. Gather rules related to public libraries into a single division of rules.
2. Provide common definitions for the rules.
3. Clarifies rules related to official recognition of public libraries by specifying that some public funding must come from local sources, which American Library Association documents public libraries must incorporate into their policies, and the timelines for the process.
4. Updates rules related to the public library annual statistical report and population determination to be consistent with current agency practice.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Agency staff relied on the following core documents from the American Library Association:

- Code of Ethics - https://www.ala.org/tools/ethics
- Library Bill of Rights - https://www.ala.org/advocacy/intfreedom/librarybill
- Freedom to Read Statement - https://www.ala.org/advocacy/intfreedom/freedomreadstatement

ORS 357, which is referenced several times in the proposed changes, is available at:
https://www.oregonlegislature.gov/bills_laws/ors/ors357.html

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These rules changes may indirectly affect racial equity in the state. The official recognition process for public libraries is intended to ensure that every public library in the state meets a minimum set of standards. Those standards provide consistency to library service across the state regardless of the size or demographics of a library's service population.

FISCAL AND ECONOMIC IMPACT:

While there is likely to be no or minimal fiscal impact as a result of these rules, a library could fail to meet the minimum conditions and may not be officially recognized by the State Library Board, resulting in ineligibility for State Library aid. The minimum conditions required for a public library to be officially recognized could also create new expenses for a very limited number of cities or counties seeking to bring library systems into compliance. The State Library is unable to estimate the cost of compliance due to the many factors that can influence compliance. Taxpayers could be impacted if the community seeks additional funding to come into or maintain compliance.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No state agencies or small businesses will be economically affected by the rules. A limited number of public libraries may be affected changes in the rules. Members of the public in the communities of affected public libraries may also be economically affected by the rules if the community seeks additional funding to come into or maintain compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of the rules, as they are not affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
543-080-0005, 543-080-0010, 543-080-0020, 543-080-0030, 543-080-0040

ADOPT: 543-080-0005

RULE SUMMARY: The scope covers the extent of OARs relating to public libraries.

CHANGES TO RULE:

543-080-0005
Scope
OAR chapter 543, division 80, applies to public libraries as defined in ORS 357.400(3) that were established under one of the methods described in ORS 357.216-286 or 357.400-621.
Statutory/Other Authority: ORS 357
Statutes/Other Implemented: ORS 357

ADOPT: 543-080-0010

RULE SUMMARY: Definitions for terms used in Division 80 - Public Libraries

CHANGES TO RULE:

543-080-0010
Definitions
The following definitions apply to the terms used in this division:¶
(1) "Annual report" means usage, financial, and other data that public libraries are required to submit to the State Library annually, in accordance with ORS 357.020.¶
(2) "Board" means the State Library Board, as established under ORS 357.021-040.¶
(3) "Fiscal year" means the period of one year commencing on July 1 and closing on June 30.¶
(4) "Legally established" means a public library that was established under one of the methods described in ORS 357.216-286 or 357.400-621.¶
(5) "Official recognition" means a public library is legally established, meets the public library minimum conditions as explained below, and is eligible for State Library aid and grants as authorized in statutes, per ORS 357.405.¶
(6) "Population" means the number of people a public library legally serves, as determined by its jurisdictional boundaries and any contracts it has with other jurisdictions.¶
(7) "Public funds" means revenue generated by a local, state, or federal government.¶
(8) "Public library" has the meaning given to public library in ORS 357.400(3), and shall be established in accordance with ORS 357.410.
Statutory/Other Authority: ORS 357
Statutes/Other Implemented: ORS 357

AMEND: 543-080-0020

RULE SUMMARY: Updated the language for the submitted of annual reports by public libraries.

CHANGES TO RULE:

543-080-0020
Annual Reports ¶

(1) Not later than October 31 of each year, public libraries shall submit ~~statistical and financial information, in conformance with ORS 357.520, to the State Library on the Statistical Report form furnished by the State Library~~an annual report to the State Library using a form furnished by the State Library.¶
(2) The report shall cover the previous fiscal year.
Statutory/Other Authority: ORS 357
Statutes/Other Implemented: ORS 357.520

AMEND: 543-080-0030

RULE SUMMARY: Update the language regarding official recognition of public libraries.

CHANGES TO RULE:

543-080-0030
Official Recognition of Public Libraries ¶

(1) The ~~State Library~~ Board will officially recognize ~~those~~ public libraries that ~~becom~~are legally established ~~under one of the methods described in ORS 357.216-286 or 357.400-621 and have met all minimum conditions~~and meet all minimum conditions created in accordance with ORS 357.405. ¶
(2) Libraries, that have a ~~service~~ population of over 2,000~~,~~ shall meet the following minimum conditions:¶
(a) Have at least half (50%) of its operational financial support from public funds. At least 25% of total revenue must be generated directly by a local government (city, county, or district) through property taxes, sales taxes, transient lodging tax, service fees, or other means. Revenue libraries receive from the State Library is not counted for the purposes of this calculation.¶
(b) Be open to the public a minimum of 20 hours per week.¶
(c) Provide a collection comprising books, media, or electronic resources.¶
(d) Offer free public access computers with ~~l~~internet access.¶
(e) Offer free public wireless ~~l~~internet access (wi-fi).¶
(f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents. ¶
(g) Dedicate at least 0.50 full-time equivalent (FTE) paid staff time exclusively to library functions.¶
(h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality ~~tha~~. The policies must incorporate ~~relevant~~the American Library Association (ALA) ~~professional ethical codes,~~Code of Ethics, Library Bill of Rights, and Freedom to Read Statement. All policies must be consistent with r~~u~~el~~es, and guidelines~~vant local, state, and federal non-discrimination statutes, including ORS 659A.403.¶
(i) Provide basic services for reference and youth services.¶
(j) Complete the annual ~~statistical report as required under ORS 357.520 and OAR 543-010-0035~~report.¶
(3) Libraries, that have a ~~service~~ population of 2,000 or ~~less~~fewer, shall meet the following minimum conditions:¶
(a) ~~H~~Have at least one fourth (25%) of its operational financial support from public funds. At least 18.75 % of total revenue must be generated directly by a local government (city, county, or district) through property taxes, sales taxes, transient lodging tax, service fees, or other means. Revenue libraries receive from the State Library is not counted for the purposes of this calculation.¶
(b) Be open to the public a minimum of 10 hours per week.¶
(c) Provide a collection comprising books, media, or electronic resources.¶
(d) Offer at least one free public access computer with internet access.¶
(e) Offer free public wireless internet access (wi-fi).¶
(f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.¶
(g) Dedicate at least 0.25 full-time equivalent (FTE) paid staff time exclusively to library functions.¶
(h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality ~~tha~~. The policies must incorporate ~~relevant~~the American Library Association (ALA) ~~professional ethical codes,~~Code of Ethics, Freedom to Read Statement, and Library Bill of Rights. All policies must be consistent with r~~u~~el~~es, and guidelines~~vant local, state, and federal non-discrimination statutes, including ORS 659A.403.¶
(i) Provide basic services for reference and youth services.¶
(j) Complete the annual ~~statistical report as required under ORS 357.520 and OAR 543-010-0035~~report.¶
(4) Official recognition as a public library will qualify the library to be eligible for state aid and grants from the State Library as authorized in statutes. ~~A libr~~The Boar~~y~~d must ~~receive~~vote to officiall~~y~~ recogni~~tion~~ze a library by June 30 for it to be eligible for grant funding in the next ~~state~~ fiscal year ~~beginning July 1~~.¶
(5) Official recognition will continue unless the library no longer meets the minimum conditions in these rules or any statutory requirements of a public library.¶
(~~a~~6) Library responses to the ~~Public Library Annual Statistical Survey~~annual report will be used to determine compliance with minimum conditions outlined in sections (2) and (3). ¶
(~~b~~a) An officially recognized public library that fails to meet the minimum conditions as outlined in section~~s~~ (2) or (3) will have two ~~(2)~~ years from the time they are notified to achieve compliance, during which time the library maintains eligibility for state aid and grants.¶
(~~c~~b) Proceedings for termination of official recognition for a library that fails to meet minimum conditions after two ~~(2)~~ years will be scheduled for consideration by the Board~~, which will then make a de~~. The Board will make a

determination before the end of the fiscal year.¶
(i) The library may submit an objection to the Board about the proposed termination.¶
~~(d)~~ The ~~State Library will provide an annual report to the Board on the status of public library compliance with minimum conditions~~objection must contain a detailed statement specifying the reason the library believes the action would be improper.¶
(ii) The objection must be submitted in writing at least 15 business days before the scheduled meeting.¶
(c) The State Library will report to the Board on the status of public library compliance with minimum conditions. The report shall be given no later than the last regularly scheduled Board meeting of the fiscal year.¶
(~~6~~7) The Board will terminate a public library's official recognition immediately after a local government withdraws support following the requirements of ORS 357.621. The State Library will notify the local government that official recognition is being terminated.¶
(~~7~~a) ~~Any affected agenc~~The library may appeal the termination of official recognition to the Board. The appeal must be in writing and ~~must~~ contain a detailed statement specifying the reason the ~~appellant agenc~~library believes the action was improper. ¶
(~~8~~b) The written appeal must be filed no later than 15 business days after the notice of termination of official recognition is received. Once an appeal is received, it will be scheduled for consideration by the Board, which will then make a determination. ¶
(~~9~~8) ~~To be reinstated, a~~A library must request reinstatement of official recognition from the Board. The request must include signed documentation attesting that the library has met all minimum conditions. The request will then be scheduled for consideration by the Board~~, which will make a determination~~ at its next regularly scheduled meeting. The State Library will notify the local government if official recognition is being reinstated. A library may appeal a denial of reinstatement as described in section (7) of this rule.¶
(~~10~~9) The Board may grant a temporary waiver to a library that is unable to comply with the minimum conditions as outlined in sect~~oin~~ions (2) or (3) due to states of emergency declared by the Governor, emergencies declared by local governing bodies, or extraordinary events ~~beyond the library's control~~ that prevent safe access to the library's facilities. Waivers will be reviewed annually to assess whether they continue to be needed.
Statutory/Other Authority: ORS 357.026(1)
Statutes/Other Implemented: HB2243 A (2019), ORS 357.400 - 357.621, ORS 357.216-286

AMEND: 543-080-0040

RULE SUMMARY: Update the language regarding population determination for public libraries.

CHANGES TO RULE:

543-080-0040
Population Determination for Public Libraries ¶

(1) The State Librar~~ian~~y shall ~~use th~~estimate population ~~estimates for cities and counties includ~~using latest data publish~~ed ~~in~~by the ~~publication, Population Estimates for Oregon, published by the~~Portland State University Center for Population Research and ~~Census, Portland State University, as amended by the latest supplements to this publication~~the U.S. Census Bureau. Data from the Oregon Secretary of State Elections Division may also be used to estimate populations for public libraries operated by special districts or that are coextensive with another type of district's boundaries (e.g. school district).¶
(2) In accordance with ORS 357.780(2)(c), a public library may be assigned population beyond its governing authority's jurisdiction in cases where the library has a valid contract with a unit of local government to provide services to this population. The contract, which must be on file at the State Library, must grant the library the sole responsibility to serve the population in question~~, and t~~. The population must be specified in the contract ~~in a~~ clear~~ly~~ and precise ~~manner, in order for additional population to be assigned for grant purposes~~ly. Public libraries established as non-profit corporations under Oregon law may be assigned population and ~~may receive~~become eligible for state aid and grants only in this manner.¶
(3) In cases other than those described in section (2) of this rule, where the same population is served by two or more public libraries, the State Librar~~ian~~y shall determine which public library is the primary service provider to the population in question, and shall assign the population to the primary service provider. In making this determination the State Librar~~ian~~y shall consider the location of library facilities and any available statistics on patterns of library use by the population in question.¶
[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 357
Statutes/Other Implemented: ORS 357.206 amended Sec. 1 SB 12, ORS 357.212 amended Sec. 1 SB 12, ORS 357.209 amended Sec. 1 SB 12