

**DIVISION 1****PROCEDURAL RULES**

- 543-001-0000** Reasonable Notice  
**543-001-0005** Model Rules of Procedure  
**543-001-0010** Confidentiality and Inadmissibility of Mediation Communications

**DIVISION 10****ADMINISTRATION**

- 543-010-0003** Definitions  
**543-010-0016** Meetings and Notice  
**543-010-0017** Appearances Before the Board  
**543-010-0021** Eligible Borrowers  
**543-010-0022** Eligible Recipients of Research Services  
**543-010-0025** Loan Periods  
**543-010-0030** Overdue and Lost Materials  
**543-010-0032** Genealogical and Oregoniana Services  
**543-010-0033** Postage Charges  
**543-010-0034** Hours of Service  
**543-010-0035** Annual Reports  
**543-010-0036** Official Recognition of Public Libraries

**DIVISION 20****FEES**

- 543-020-0010** Copying Charges  
**543-020-0025** Charge for Publications Issued by the Oregon State Library  
**543-020-0026** Charge for Library Mailing Labels  
**543-020-0030** Charge for Database Search Costs

**DIVISION 40****READY TO READ GRANTS**

- 543-040-0005** Scope  
**543-040-0010** Definitions  
**543-040-0015** Authorized Activities  
**543-040-0020** Population Determination  
**543-040-0023** Square Mileage Determination  
**543-040-0025** Grant Restrictions  
**543-040-0030** Grant Applications  
**543-040-0035** Grant Appeals  
**543-040-0040** Distribution Schedule

**DIVISION 60****OREGON STATEWIDE DATABASE  
LICENSING PROGRAM**

- 543-060-0000** Scope  
**543-060-0010** Definitions  
**543-060-0020** Authorized Activities  
**543-060-0030** Statewide Database Licensing Process  
**543-060-0040** Calendar  
**543-060-0060** Population Determination for Public Libraries

**DIVISION 70****STATE DOCUMENTS  
DEPOSITORY PROGRAM**

- 543-070-0000** Public Documents Depository Libraries

**DIVISION 1****PROCEDURAL RULES****543-001-0000****Reasonable Notice**

Prior to the adoption, amendment, or repeal of any rules, the State Librarian, Secretary to the Board, shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days prior to the effective date.

(2) By mailing a copy of the notice to persons on the State Librarian's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule.

(3) By mailing a copy of the notice to the following persons, organizations and publications:

- (a) Associated Press;
- (b) Association of Oregon Counties;
- (c) League of Oregon Cities;
- (d) Department of Administrative Services;
- (e) Oregon Library Association;
- (f) Capitol Press Room.

Stat. Auth.: ORS 183.341(4) & 357.015(2)

Stats. Implemented: ORS 183.341(4)

Hist.: OSL 55, f. & ef. 1-12-76; OSL 1-1995, f. & cert. ef. 10-27-95

**543-001-0005****Model Rules of Procedure**

Pursuant to provisions of ORS 183.341, the Oregon State Library adopts the Attorney General's Model Rules of Procedure as amended from time to time, under the Administrative Procedures Act.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Oregon State Library.]

Stat. Auth.: ORS 183.341 & 357.015(2)

Stats. Implemented: ORS 183.341

Hist.: OSL 48, f. 9-20-71, ef. 10-20-71; OSL 54, f. 12-18-73, ef. 1-11-74; OSL 56, f. & ef. 6-21-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1995, f. & cert. ef. 10-27-95

**543-001-0010****Confidentiality and Inadmissibility of Mediation Communications**

(1) words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in ORS 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) **Mediations Excluded.** Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential;

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation; or

(6) **Disclosures by Mediator.** A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule; or

(7) **Confidentiality and Inadmissibility of Mediation Communications.** Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) **Written Agreement.** Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate." [Form not included. See ED. NOTE.]

(9) **Exceptions to Confidentiality and Inadmissibility:**

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation com-

munications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

(A) A request for mediation; or

(B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or

(C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or

(D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

(A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege; or

(B) Attorney work product prepared in anticipation of litigation or for trial; or

(C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or

(D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or

(E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Oregon State Library Board of Trustees determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 36.224

Stats. Implemented: ORS 36.224, 36.228, 36.230 & 36.232

Hist.: OSL 1-1999(Temp), f. & cert. ef. 2-22-99 thru 8-1-99; OSL 2-1999, f. & cert. ef. 6-21-99

## DIVISION 10 ADMINISTRATION

### 543-010-0003

#### Definitions

The following words, when used in Administrative Rules adopted by the Oregon State Library Board of Trustees, shall mean the following:

- (1) "Board" means the Oregon State Library Board of Trustees.
- (2) "Chair" means the the presiding officer of the Board.

Stat. Auth.: ORS 357

Stats. Implemented: ORS 357.010(1)(3)

Hist.: OSL 55, f. & ef. 1-12-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89

### 543-010-0016

#### Meetings and Notice

(1) The State Librarian shall follow the procedures established by the Attorney General's Public Meetings and Records Manual, as amended from time to time, for providing notices of Board meetings. Unless the meeting is called exclusively for the purpose of holding an executive session as set forth in ORS 192.660, copies of the meeting notices shall be sent to organizations and individuals designated by the Board.

(2) A copy of the notice shall be sent to any organization or individual previously notifying the Chair or the State Librarian of interest in the subject matter to be considered at the meeting.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 357

Stats. Implemented: ORS 357.050

Hist.: OSL 55, f. & ef. 1-12-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-2000, f. & cert. ef. 4-13-00

### 543-010-0017

#### Appearances Before the Board

The policy of the Board is to hold public meetings and to permit all persons, groups and organizations having relevant business or opinions to appear before them and be heard.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 192.630

Hist.: OSL 55, f. & ef. 1-12-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1995, f. & cert. ef. 10-27-95

### 543-010-0021

#### Eligible Borrowers

The State Library will lend library materials to:

- (1) Legally established public libraries.
- (2) Educational institution libraries.
- (3) State agencies and their employees.
- (4) Print-disabled individuals who are eligible to borrow library materials from the Talking Book and Braille Services.

(5) Individuals with current Oregon addresses who request materials in person at the State Library.

(6) Special libraries (as listed in directories as maintained by Oregon State Library, or other standard library directories).

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.005(2)(c), (2)(f), (2)(g) & (3)

Hist.: OSL 55, f. & ef. 1-12-76; OSL 2-1980, f. & ef. 10-2-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1992, f. 2-11-92, cert. ef. 2-17-92; OSL 1-1993, f. & cert. ef. 11-10-93; OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00

### 543-010-0022

#### Eligible Recipients of Research Services

In addition to research services defined in OAR 543-010-0032, the State Library provides resource materials and research services to the following:

- (1) State officials, including legislators;
- (2) State employees;
- (3) Former statewide-elected government officials.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.005(2)(c), (2)(f) & 357.003(2)

Hist.: OSL 55, f. & ef. 1-12-76; OSL 2-1980, f. & ef. 10-2-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00

### 543-010-0025

#### Loan Periods

The State Library Board authorizes the State Librarian to set loan periods for State Library materials. Loan periods will be available to the public in a State Library policy.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.015(2)

Hist.: OSL 14, f. 5-5-61, ef. 6-10-61; OSL 55, f. & ef. 1-12-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1992, f. 2-11-92, cert. ef. 2-17-92; OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00

### 543-010-0030

#### Overdue and Lost Materials

(1) Borrowers will:

- (a) Return library materials no later than the due date;
- (b) Make full payment for lost materials within 30 days of the date of the bill notice.

(c) Materials borrowed through Interlibrary Loan will be billed in amounts to be determined by the lending library.

(2) The State Library will suspend service to those individuals and libraries who abuse borrowing provisions of Oregon State Library or Interlibrary Loan materials until all overdue material or payment for replacement is received by the State Library.

(3) The State Library Board of Trustees authorizes the State Librarian to set fees for overdue or lost materials, whether circulated by the State Library directly or through interlibrary loan. The fee schedule shall be available to the public in a State Library policy.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.015(2)

Hist.: OSL 14, f. 5-5-61, ef. 6-10-61; OSL 55, f. & ef. 1-12-76; OSL 2-1980, f. & ef. 10-2-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00

### 543-010-0032

#### Genealogical and Oregoniana Services

(1) Genealogical Services provided by library employees shall be limited to reasonable assistance to visitors to the State Library.

(2) Oregoniana services provided by library employees shall be limited to access and reasonable assistance in using the Library's unique Oregoniana materials for walk-in patrons.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.005(2)(f)

Hist.: OSL 55, f. & ef. 1-12-76; OSL 1-1992, f. 2-11-92, cert. ef. 2-17-92; OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00

### 543-010-0033

#### Postage Charges

Borrowers shall pay all return postage costs.

Stat. Auth.: ORS 357

Stats. Implemented: ORS 357.015(2)

Hist.: OSL 55, f. & ef. 1-12-76



**543-010-0034****Hours of Service**

The Reference Rooms will be open to the public from 10 a.m. to 5 p.m., Monday through Friday, excepting legal holidays, and may be open at other times by special arrangement with the State Librarian. Talking Book and Braille Services will be open from 8 a.m. to 5 p.m., Monday through Friday, excepting legal holidays.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.012(2)

Hist.: OSL 1-1981(Temp), f. 6-16-81, ef. 7-1-81; OSL 2-1981, f. 9-28-81, ef. 10-1-81; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1992, f. 2-11-92, ef. 2-17-92; OSL 1-2000, f. & cert. ef. 4-13-00

**543-010-0035****Annual Reports**

Not later than October 1 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.

Stat. Auth.: ORS 357

Stats. Implemented: ORS 357.520

Hist.: OSL 55, f. & ef. 1-12-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89

**543-010-0036****Official Recognition of Public Libraries**

(1) The State Library will officially recognize those public libraries that become legally established under one of the methods described in ORS 357.216–357.286 or 357.400–357.621.

(2) Official recognition will qualify the public library to receive assistance from the State Library as authorized in the statutes.

(3) Official recognition will continue unless the library no longer meets the statutory requirements of a public library, or until the library has support withdrawn under the requirements of ORS 357.621.

(4) The State Library Board will terminate official recognition immediately after a local government withdraws support following the requirements of ORS 357.621, or after it is otherwise determined that a library no longer meets the statutory requirements of a public library. The State Library will notify a local government that official recognition is being terminated.

(5) Any affected agency 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 agency believes the action was improper.

(6) The written appeal must be filed no later than 15 days after the notice of termination of official recognition is received. Once an appeal is received, it will be scheduled for public hearing and an order of the Board.

Stat. Auth.: ORS 357.015 (2)

Stats. Implemented: ORS 357.216-286 & 357.400 - 357.621

Hist.: OSL 1-2000, f. & cert. ef. 4-13-00

**DIVISION 20****FEES****543-020-0010****Copying Charges**

The State Library Board authorizes the State Library to charge current rates for the following types of copying. The fee schedule will be available to the public in a State Library policy.

(1) Photocopies from print publications. Copy cards are available.

(2) Photocopies from microfilm.

(3) Copies of machine readable files for the cost of a diskette purchased from the library.

(4) Copies of photographs using a library approved vendor.

(5) Print-outs from electronic resources. Copying charges for state employees and officials on state business are covered by its agency assessments. Fees based on current rates may be charged for copying beyond reasonable levels.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.015(2)

Hist.: LIB 1, f. 9-10-47; LIB 1A, f. 8-12-48; LIB 4, f. 4-18-49; LIB 6, f. 12-9-55; LIB 13, f. 12-18-59; LIB 14, f. 5-5-61, ef. 6-10-61; OSL 20, f. 9-17-63, ef. 10-11-63; OSL 51, f. 5-8-72, ef. 6-1-72; OSL 55, f. & ef. 1-12-76; OSL 2-1980, f. & ef. 10-2-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1992, f. 2-11-92, cert. ef. 2-17-92; OSL 2-1992, f. & cert. ef. 11-2-92; OSL 1-1993, f. & cert. ef. 11-10-93; OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00

**543-020-0025****Charge for Publications Issued by the Oregon State Library**

(1) A charge to recover production costs for publications of the State Library may be made to:

(a) Commercial firms;

(b) Individuals, in-state and out-of-state;

(c) Libraries outside Oregon except those with which the State Library has a reciprocal arrangement;

(d) Out-of-state associations and organizations.

(2) No charge will be made for first copies of publications requested by:

(a) Librarians and library trustees in Oregon;

(b) State and provincial libraries.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.015(2)

Hist.: LIB 1, f. 9-10-47; LIB 1A, f. 8-12-48; LIB 4, f. 4-18-49; LIB 6, f. 12-9-55; LIB 13, f. 12-18-59; OSL 14, f. 5-5-61, ef. 6-10-61; OSL 20, f. 9-17-63, ef. 10-11-63; OSL 51, f. 5-8-72, ef. 6-1-72; OSL 55, f. & ef. 1-12-76; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1995, f. & cert. ef. 10-27-95

**543-020-0026****Charge for Library Mailing Labels**

(1) A charge to recover production costs for labels that are a by-product of the Oregon State Library's maintenance of directories of Oregon libraries will be made to individuals, commercial firms, profit, and not-for-profit organizations when the use of the labels will be for profit-making ventures, or political purposes.

(2) Library, literary, cultural, and education-related not-for-profit organizations in Oregon shall not be charged for labels when proposing to mail information about events, conferences, workshops, or information products to libraries.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.015(2)

Hist.: OSL 1-1995, f. & cert. ef. 10-27-95

**543-020-0030****Charge for Database Search Costs**

A charge, to be determined by the State Librarian, for recovery of database search costs may be made, billable by the State Library Business Office. Charges will be established on a per search basis, contingent on the cost of the database being queried.

Stat. Auth.: ORS 357.015(2)

Stats. Implemented: ORS 357.015(2)

Hist.: OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1992, f. 2-11-92, cert. ef. 2-17-92; OSL 1-1995, f. & cert. ef. 10-27-95

**543-010-0036****Official Recognition of Public Libraries**

(1) The State Library will officially recognize those public libraries that become legally established under one of the methods described in ORS 357.216–286 or 357.400–357.621.

(2) Official recognition will qualify the public library to receive assistance from the State Library as authorized in the statutes.

(3) Official recognition will continue unless the library no longer meets the statutory requirements of a public library, or until the library has support withdrawn under the requirements of ORS 357.621.

(4) The State Library Board will terminate official recognition immediately after a local government withdraws support following the requirements of ORS 357.621, or after it is otherwise determined that a library no longer meets the statutory requirements of a public library. The State Library will notify a local government that official recognition is being terminated.

(5) Any affected agency 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 agency believes the action was improper.

(6) The written appeal must be filed no later than 15 days after the notice of termination of official recognition is received. Once an appeal is received, it will be scheduled for public hearing and an order of the Board.

Stat. Auth.: ORS 357.015(2)  
Stats. Implemented: ORS 357.216 - 286 & 357.400 - 357.621  
Hist.: OSL 1-2000, f. & cert. ef. 4-13-00

## DIVISION 40

### READY TO READ GRANTS

#### 543-040-0005

##### Scope

OAR chapter 543, division 40, applies only to the award of grants for public library services to carry out the provisions of ORS 357.740 to 357.780.

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.740  
Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1993, f. & cert. ef. 11-10-93

#### 543-040-0010

##### Definitions

The following definitions apply to the terms used in this division:

(1) "Board": Has the meaning given to "Board" in OAR 543-010-0003(1).

(2) "Fiscal Year": Means the period of one year commencing on July 1 and closing on June 30.

(3) "Per Child": Means for each child from birth to 14 years of age, residing in a geographic area.

(4) "Public Library": Has the meaning given to "public library" in ORS 357.400(3).

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.740 - 357.780  
Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1993, f. & cert. ef. 11-10-93

#### 543-040-0015

##### Authorized Activities

Ready to Read Grants made under the provisions of this division shall be used only to establish, develop, or improve public library services for children from birth to 14 years of age with an emphasis on preschool children. The grants may not be used to replace funds already appropriated by local governments from local sources.

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.740 & 357.750  
Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1993, f. & cert. ef. 11-10-93; OSL 1-1996, f. & cert. ef. 10-23-96

#### 543-040-0020

##### Population Determination

(1) The State Librarian shall use the population estimates for cities and counties included in the publication, Population Estimates for Oregon, published by the Population Research Center, Portland State University, as amended by the latest supplements to this publication.

(2) To determine the population of special districts, school districts or other districts whose boundaries are within a single county but are not identical to those of a county or of cities, the State Librarian shall estimate the population of the district based on the number of registered voters in the district, as of June 1. Using the ratio of registered voters in the county to the official population of the county, the State Librarian shall apply this same ratio to the district in order to estimate the district population.

(3) 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 the population must be specified in the contract in a clear and precise manner,

in order for additional population to be assigned for grant purposes. Public libraries established as non-profit corporations under Oregon law may be assigned population and may receive grants only in this manner.

(4) In cases other than those described in section (3) of this rule, where the same population is served by two or more public libraries, the State Librarian 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 Librarian 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.]

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.780(1)(2)  
Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 2-1991, f. 11-26-91, cert. ef. 12-1-91; OSL 1-1993, f. & cert. ef. 11-10-93; OSL 1-2006, f. & cert. ef. 2-14-06

#### 543-040-0023

##### Square Mileage Determination

In determining the specific area that a public library serves for the purposes of distributing funds under ORS 357.780(3), the State Librarian shall determine the number of square miles, rounded to the nearest square mile, within which reside the population assigned in accordance with OAR 543-040-0020.

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.780(3)  
Hist.: OSL 2-1991, f. 11-26-91, cert. ef. 12-1-91

#### 543-040-0025

##### Grant Restrictions

No grant to any public library shall include a per child amount for any children living in geographical areas where the public library does not provide services.

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.780  
Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 2-1991, f. 11-26-91, cert. ef. 12-1-91; OSL 1-1993, f. & cert. ef. 11-10-93

#### 543-040-0030

##### Grant Applications

(1) At the commencement of any fiscal year in which moneys for Ready to Read Grants are available, the State Librarian shall publish a list of grants the State Librarian proposes to make under the provisions of ORS 357.780 and of this division. The list shall include the names of all proposed grantees and the amount of their proposed grant. The State Librarian shall mail copies of the list, along with applications for grant funds, to the headquarters of all legally-established public libraries in the state.

(2) Applications shall be submitted to the State Library no later than 60 days after the commencement of the fiscal year. Applications shall include the purposes for which grant funds will be used, and applicants shall certify that funds will be used in accordance with the purposes described in ORS 357.750.

(3) Within 30 days thereafter the State Librarian shall review the applications for eligibility and shall distribute a revised list of grants to all libraries submitting applications. The State Librarian shall approve grants only to public libraries which propose to use grant funds for the activities described in ORS 357.750.

Stat. Auth.: ORS 357.015(2) & 357.760  
Stats. Implemented: ORS 357.740 - 357.780  
Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 2-1991, f. 11-26-91, cert. ef. 12-1-91; OSL 1-1993, f. & cert. ef. 11-10-93; OSL 1-1996, f. & cert. ef. 10-23-96

#### 543-040-0035

##### Grant Appeals

(1) Any affected agency may appeal the proposed allocation of grant funds to the Board. The appeal must be in writing and must contain a detailed statement specifying:

- The action being appealed;
- The reason the appellant agency believes the action was improper; and
- The corrective action being requested.

(2) The written appeal must be filed no later than 15 days after the proposed list of grants has been published by the State Librarian, or 15 days after the revised list of grants is published by the State Librarian. A person designated by the State Librarian may investigate each appeal and attempt to resolve the issue with the appellant party. If it cannot be resolved within 15 days of receipt, the matter will be scheduled for public hearing and an order of the Board.

Stat. Auth.: ORS 357.015(2) & 357.760

Stats. Implemented: ORS 357.015(2) & 357.760

Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89

#### 543-040-0040

##### Distribution Schedule

The State Library shall distribute Ready to Read Grants to all eligible library recipients prior to the end of the second quarter of any fiscal year in which the grant funds are available.

Stat. Auth.: ORS 357.015(2) & 357.760

Stats. Implemented: ORS 357.740 - 357.780

Hist.: OSL 1-1980, f. & ef. 9-29-80; OSL 1-1989, f. 4-18-89, cert. ef. 4-17-89; OSL 1-1993, f. & cert. ef. 11-10-93; OSL 1-1996, f. & cert. ef. 10-23-96; OSL 1-2002(Temp), f. 12-10-02, cert. ef. 12-16-02 thru 4-1-03; Administrative correction 4-16-03

## DIVISION 60

### OREGON STATEWIDE DATABASE LICENSING PROGRAM

#### 543-060-0000

##### Scope

OR chapter 543, division 60, applies only to statewide licensing of electronic databases in public, school, academic, and tribal libraries.

Stat. Auth.:

Stats. Implemented: ORS 357.206, 357.209 & 357.212

Hist.: OSL 1-2003(Temp), f. 8-22-03, cert. ef. 9-1-03 thru 1-30-04; OSL 2-2003, f. 12-15-03 cert. ef. 1-1-04; OSL 3-2006, f. & cert. ef. 2-14-06

#### 543-060-0010

##### Definitions

The following definitions apply to the terms used in this division:

(1) "Public library" has the meaning given to public library in ORS 357.400(3), and shall be established in accordance with ORS 357.410.

(2) "Academic library" means any library of a not-for-profit institution of postsecondary education in Oregon, whether publicly or privately funded.

(3) "School library" means any library in a common school district or union high school district.

(4) "Tribal library" means a library operated by any of the nine federally-recognized tribes in Oregon.

(5) "Resource sharing systems" means all public, academic, or school libraries participating in a resource sharing system.

(6) "Fiscal Year" means the period of one year commencing on July 1 and closing on June 30th.

(7) "Interlibrary Loan" means one item of library material, or one copy from library materials, that is made available from a library's holdings to another library upon request.

(8) "Statewide database licensing" means the cooperative contract negotiation and purchase to make collections of electronically stored data, records or full text available to public, school, academic, and tribal libraries in Oregon.

Stat. Auth.:

Stats. Implemented: ORS 357.206, 357.209 & 357.212

Hist.: OSL 1-2003(Temp), f. 8-22-03, cert. ef. 9-1-03 thru 1-30-04; OSL 2-2003, f. 12-15-03 cert. ef. 1-1-04; OSL 3-2006, f. & cert. ef. 2-14-06

#### 543-060-0020

##### Authorized Activities

Oregon State Library is authorized to negotiate and contract with commercial database providers on behalf of public, school, academic, and tribal libraries to provide access to full text periodicals databases and a newspaper database that includes the Oregonian. The

statewide database subsidy program is established under the provisions of this division to assist eligible public, academic, school and tribal libraries to participate in the statewide full text periodicals database program. The Oregon State Library is authorized to collect and administer funds from public and academic libraries in payment for such databases. A statewide database subsidy is established under the provisions of this division to assist eligible school, public, academic, and tribal libraries to participate in the statewide newspaper database program.

Stat. Auth.:

Stats. Implemented: ORS 357.206, 357.209 & 357.212

Hist.: OSL 1-2003(Temp), f. 8-22-03, cert. ef. 9-1-03 thru 1-30-04; OSL 2-2003, f. 12-15-03 cert. ef. 1-1-04; OSL 3-2006, f. & cert. ef. 2-14-06

#### 543-060-0030

##### Statewide Database Licensing Process

(1) Eligibility: Any public, school, academic, tribal library or resource sharing system as defined above is eligible to participate in the program if the following criteria are met:

(a) The library or resource sharing system provides interlibrary loans without charge to requesting in-state public, academic, school, and tribal libraries and resource sharing systems.

(b) The public, academic library or resource sharing system is a signatory to and abides by the "Interlibrary Loan Code for Oregon Libraries."

(c) The library or resource sharing system certifies the above criteria are met and agrees to participate in the Statewide Database Licensing Program.

(2) The Statewide Database Licensing Advisory Committee shall be appointed by the Library Services and Technology Act (LSTA) Advisory Council.

(a) Role: The Statewide Database Licensing Advisory Committee shall advise the LSTA Advisory Council and the Oregon State Library staff in request for proposal development and database product evaluation, and provide ongoing database product assessment and customer feedback. The Statewide Database Licensing Advisory Committee shall also advise the LSTA Advisory Council on the appropriate percentage allocation of periodicals database costs to public, academic and school libraries.

(b) Membership of the Statewide Database Licensing Advisory Committee: One representative from the LSTA Advisory Council; three public library representatives, one each from libraries serving populations over 100,000, between 25,000–100,000, and 25,000 or less; three academic library representatives, one each from a community college, Oregon University System, and private academic institution; one representative from a resource sharing system; one tribal library representative, and, two school library representatives. Orbis Cascade Alliance and the Organization for Educational Technology and Curriculum (OETC) will each have one representative serving in a non-voting, ex officio capacity. In making appointments the LSTA Advisory Council will seek representatives with experience in database licensing and the use of databases.

(c) Terms of appointment: Terms shall be for three years, except initial terms shall be staggered. The LSTA Advisory Council representative shall serve a two year term.

(d) Meetings: The Statewide Database Licensing Advisory Committee shall meet at least twice each calendar year, and may meet more often as needed.

(3) Request for proposal process: The Oregon State Library shall be the fiscal agent for the program and shall use Federal funds under the Library Services and Technology Act to subsidize the program. Oregon State Library shall work with the Department of Administrative Services to procure periodical and newspaper full text databases.

(4) Database subsidy process:

(a) The Oregon State Library administers the database subsidy process.

(b) Participating public and academic libraries and resource sharing systems shall be billed annually, in July, for periodicals database charges for the upcoming service year. Invoices to participants represent the difference in the subsidized annual costs paid by the State Library and the cost to the participants.



(5) Formula for periodicals database subsidy to public, academic libraries or resource sharing systems: Once a determination has been made of the percentage allocation of periodicals database cost among school, public and academic libraries, the costs will be further allocated to participants in the following manner:

(a) The public library or resource sharing system cost is based on the population served during the previous year, as determined by the State Library.

(b) The academic library cost is based on the student enrollment during the previous academic year, as determined by official sources, such as the Integrated Postsecondary Education Data System (IPEDS), and the Oregon Community College Unified Reporting System (OCCURS). Community college FTE will be adjusted for terms to arrive at an average annual full time enrollment.

(c) Individual library periodicals database costs per year of \$225 or less are subsidized in full by the State Library. Periodicals database costs per year of more than \$225 are subsidized at 50% of the total annual periodicals database costs. Participants will be billed for the 50% unsubsidized portion of total annual periodicals database costs.

(6) Formula for periodicals database costs to school libraries: The annual database contract costs to school libraries will be supported with LSTA funds as determined by the State Library Board of Trustees, with a recommendation from the LSTA Advisory Council.

(7) Formula for periodicals database costs to tribal libraries: The annual database contract costs to tribal libraries will be supported with LSTA funds as determined by the State Library Board of Trustees, with a recommendation from the LSTA Advisory Council.

(8) Formula for newspaper database subsidy: All eligible public, school, academic, and tribal libraries, or resource sharing systems accessing the full text newspaper database are subsidized in full by the State Library.

(9) Statewide database expenditure plan: An annual budget for the Statewide Database Licensing Program shall be recommended by the Library Services and Technology Act Advisory Council to the State Library Board of Trustees and shall be adopted by the State Library Board of Trustees.

Stat. Auth.: ORS 357.209

Stats. Implemented: ORS 357.206

Hist.: OSL 1-2003(Temp), f. 8-22-03, cert. ef. 9-1-03 thru 1-30-04; OSL 2-2003, f. 12-15-03 cert. ef. 1-1-04; OSL 1-2004, f. 8-17-04 cert. ef. 9-1-04; OSL 3-2006, f. & cert. ef. 2-14-06

#### 543-060-0040

##### Calendar

The Statewide Database Licensing Program in Request for Proposal years shall follow a calendar of events as listed below:

(1) The Request for Proposal shall be issued no later than January in a year requiring proposal development, and responses shall be received no later than March.

(2) Request for Proposal evaluations shall be completed by the Statewide Database Licensing Advisory Committee within 60 days of receipt of responses.

(3) Recommendations by the Statewide Database Licensing Advisory Committee to the Library Services and Technology Act Advisory Council shall be made prior to its May meeting.

(4) The Library Services and Technology Act Advisory Council shall review the database recommendations at its May meeting, and make recommendations to the State Library Board of Trustees in June.

(5) Participating libraries shall be notified of anticipated costs for that subscription year after the Board meeting, invoiced in July, and payments shall be due in August or as determined by the vendor contract.

Annual invoicing in non-Request for Proposal years shall follow a calendar of events as listed below:

— Recommendations by the Statewide Database Licensing Advisory Committee to the Library Services and Technology Act Advisory Council shall be made prior to its May meeting. Participating libraries will be notified of anticipated costs for that subscription year after the meeting.

— The Library Services and Technology Act Advisory Council shall review the database recommendations at its May meeting, and make recommendations to the State Library Board of Trustees in June.

— Participating libraries shall be invoiced in July, and payments shall be due in August or as determined by the vendor contract.

Stat. Auth.: ORS 357.209

Stats. Implemented: ORS 357.206, 357.209 & 357.212

Hist.: OSL 1-2003(Temp), f. 8-22-03, cert. ef. 9-1-03 thru 1-30-04; OSL 2-2003, f. 12-15-03 cert. ef. 1-1-04; OSL 1-2004, f. 8-17-04 cert. ef. 9-1-04

#### 543-060-0060

##### Population Determination for Public Libraries

(1) The State Librarian shall use the population estimates for cities and counties included in the publication, Population Estimates for Oregon, published by the Center for Population Research and Census, Portland State University, as amended by the latest supplements to this publication.

(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 the population must be specified in the contract in a clear and precise manner, in order for additional population to be assigned for grant purposes. Public libraries established as non-profit corporations under Oregon law may be assigned population and may receive 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 Librarian 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 Librarian 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.]

Stat. Auth.:

Stats. Implemented: ORS 357.206, 357.209 & 357.212

Hist.: OSL 1-2003(Temp), f. 8-22-03, cert. ef. 9-1-03 thru 1-30-04; OSL 2-2003, f. 12-15-03 cert. ef. 1-1-04

## DIVISION 70

### STATE DOCUMENTS DEPOSITORY PROGRAM

#### 543-070-0000

##### Public Documents Depository Libraries

(1) The following libraries are designated as depository libraries and are hereby entitled to receive copies of all public documents deposited with the State Library for distribution under the public documents depository program:

- (a) Eastern Oregon University Library;
- (b) Oregon Institute of Technology Library (Klamath Falls);
- (c) Multnomah County Library;
- (d) Oregon State Library (2);
- (e) Oregon State University Library;
- (f) Portland State University Library;
- (g) Southern Oregon University Library;
- (h) University of Oregon Library;
- (i) Western Oregon University Library.

(2) Libraries designated as depository libraries shall agree to the following terms for participation in the public documents depository program:

(a) To make all tangible materials received under the program accessible to the public without charge.

(b) To provide free public access to their patrons to all electronic documents identified by the depository program.

(c) To include records for all depository items, tangible and otherwise, in their public catalogs for at least five years; records for superseded publications may be replaced with the records for the replacement publications.

(d) To retain all tangible materials and to maintain catalog links to electronic publications received under the program for a minimum of five years; superseded publications may be replaced with the new version.

(e) As the official archive for Oregon public documents, the State Library will retain all tangible materials permanently and will maintain a permanent, accessible archive for electronic publications.

(3) In the interest of public access to state documents, the State Library will make bibliographic records for electronic publications available to any Oregon library.

(4) An issuing agency must provide to the State Library electronic versions of any public document produced by the issuing agency if the public document:

(a) Is required by law as a public report;

(b) Is required by law to be sent to the Governor, President of the Senate, or Speaker of the House;

(c) Is intended to educate the public about the work of the issuing agency;

(d) Describe the issuing agency's programs, overall activities, or policies;

(e) Is an annual report of the issuing agency's activities; or

(f) Reports the results of a formal study or investigation conducted by or on behalf of the issuing agency.

(5) An issuing agency need not provide the Library with copies, including electronic versions, of the following types of documents:

(a) Those public documents specifically exempted by statute;

(b) The text of speeches, press releases, or written testimony, including testimony to Legislative committees;

(c) Documents produced under contract that includes a limited duration distribution clause;

(d) Documents that describe only the internal operations of the issuing agency, the internal policies of the issuing agency, or both;

(e) Documents produced for rulemaking, such as those described in ORS 183.335 or 183.355;

(f) Documents created for and filed with a court in a matter pending before the court, including motions and briefs; and

(g) Materials of a dynamic or ephemeral nature offered as part of an online service or website.

(6) Questions regarding the need to deposit specific documents not clearly addressed by this policy will be resolved by a joint decision of the State Library, the State Archives and the issuing agency.

(7) Terms defined in ORS 357.004 have the same meaning when used in this rule.

Stat. Auth.: ORS 357.090

Stats. Implemented: ORS 357.005(2)(j) & 357.090

Hist.: OSL 1-1995, f. & cert. ef. 10-27-95; OSL 1-2000, f. & cert. ef. 4-13-00; OSL 4-2006, f. & cert. ef. 2-14-06