

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 220
3 entitled “An act relating to Vermont’s public libraries” respectfully reports that
4 it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 * * * Library Policies; Selection and Retention of Library Materials * * *

8 Sec. 1. 22 V.S.A. § 67 is amended to read:

9 § 67. PUBLIC LIBRARIES; STATEMENT OF POLICY; USE OF
10 FACILITIES AND RESOURCES

11 * * *

12 (c) To ensure that Vermont libraries protect and promote the principles of
13 free speech, inquiry, discovery, and public accommodation, it is necessary that
14 the trustees, managers, or directors of free public libraries adopt policies that
15 comply with the First Amendment to the U.S. Constitution and State and
16 federal civil rights and antidiscrimination laws.

17 Sec. 2. 22 V.S.A. § 69 is added to read:

18 § 69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF
19 LIBRARY MATERIALS

20 A public library shall adopt a policy for the selection and reconsideration of
21 library materials that complies with the First Amendment to the U.S.

1 Constitution, the Civil Rights Act of 1964, and State laws prohibiting
2 discrimination in places of public accommodation. A public library may adopt
3 as its policy a model policy adopted by the Department of Libraries pursuant to
4 section 606 of this title.

5 * * * Confidentiality of Library Records; Minors * * *

6 Sec. 3. 22 V.S.A. § 172 is amended to read:

7 § 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

8 * * *

9 (b) Unless authorized by other provisions of law, the library's officers,
10 employees, and volunteers shall not disclose the records except:

11 * * *

12 (4) to custodial parents or guardians of patrons under ~~age 16~~ 12 years of
13 age; or

14 * * *

15 * * * Public Safety * * *

16 Sec. 4. 13 V.S.A. § 1702 is amended to read:

17 § 1702. CRIMINAL THREATENING

18 * * *

19 (d) A person who violates subsection (a) of this section by making a threat
20 that places any person in reasonable apprehension that death, serious bodily
21 injury, or sexual assault will occur at a public or private school; postsecondary

1 education institution; public library; place of worship; polling place during
2 election activities; the Vermont State House; or any federal, State, or municipal
3 building shall be imprisoned not more than two years or fined not more than
4 \$2,000.00, or both.

5 * * *

6 (h) As used in this section:

7 * * *

8 (12) “Public library” means a public library as defined in 22 V.S.A.
9 § 101.

10 * * *

11 * * * Library Governance * * *

12 Sec. 5. 22 V.S.A. § 105 is amended to read:

13 § 105. GENERAL POWERS

14 (a) The trustees, managers, or directors shall:

15 (1) elect the officers of the corporation from their number and have the
16 control and management of the affairs, finances, and property of the
17 corporation;

18 (2) adopt bylaws and policies governing the operation of the library;

19 (3) establish a library budget;

20 (4) hold regular meetings; and

1 (5) ensure compliance with the terms of any funding, grants, or
2 bequests.

3 (b) The Trustees, managers, or directors may:

4 (1) accept donations and, in their discretion, hold the donations in the
5 form in which they are given for the purposes of science, literature, and art
6 germane to the objects and purposes of the corporation. ~~They may;~~ and

7 (2) in their discretion, receive by loan books, manuscripts, works of art,
8 and other library materials and hold or circulate them under the conditions
9 specified by the owners.

10 Sec. 6. 22 V.S.A. § 143 is amended to read:

11 § 143. TRUSTEES

12 (a) Unless a municipality ~~which~~ that has established or shall establish a
13 public library votes at its annual meeting to elect a board of trustees, the
14 governing body of the municipality shall appoint the trustees. The
15 appointment or election of the trustees shall continue in effect until changed at
16 an annual meeting of the municipality. When trustees are first chosen, they
17 shall be elected or appointed for staggered terms.

18 (b) The board shall consist of not less than five trustees who shall have full
19 power to:

- 1 (1) manage the public library, make and any property that shall come
2 into the hands of the municipality by gift, purchase, devise, or bequest for the
3 use and benefit of the library;
- 4 (2) adopt bylaws, and policies governing the operation of the library;
- 5 (3) elect officers, establish a library policy and receive, control and
6 manage property which shall come into the hands of the municipality by gift,
7 purchase, devise or bequest for the use and benefit of the library;
- 8 (4) establish a library budget;
- 9 (5) hold regular meetings; and
- 10 (6) ensure compliance with the terms of any funding, grants, or
11 bequests.

12 (c) The board may appoint a director for the efficient administration and
13 conduct of the library. A library director shall be under the supervision and
14 control of the library board of trustees.

15 ~~(b) When trustees are first chosen, they shall be elected or appointed for~~
16 ~~staggered terms.~~

17 * * * Department of Libraries * * *

18 Sec. 7. 22 V.S.A. § 606 is amended to read:

19 § 606. OTHER DUTIES AND FUNCTIONS

20 The Department, in addition to the functions specified in section 605 of this
21 title:

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(5) ~~May~~ Shall provide a continuing education program for a Certificate in Public Librarianship. The Department shall conduct seminars, workshops, and other programs to increase the professional competence of librarians in the State.

* * *

(8) ~~Shall be the primary access point for State information, and provide~~ advice on State information technology policy.

(9) May develop and adopt model policies for free public libraries concerning displays, meeting room use, patron behavior, internet use, materials reconsideration, and other relevant topics to ensure substantive compliance with the First Amendment to the U.S. Constitution and Vermont laws prohibiting discrimination.

(10) Shall adopt a collection development policy that reflects Vermont’s diverse people and history, including diversity of race, ethnicity, sex, gender identity, sexual orientation, disability status, religion, and political beliefs.

(11) May develop best practices and guidelines for public libraries and library service levels.

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

1 This act shall take effect on July 1, 2024.

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4 (Committee vote: _____)

5

6

Senator _____

7

FOR THE COMMITTEE