1	S.220
2	Introduced by Senators Hardy, Gulick, Clarkson, Harrison, Perchlik, Watson,
3	White and Wrenner
4	Referred to Committee on
5	Date:
6	Subject: Libraries, history, and information technology; libraries;
7	miscellaneous amendments
8	Statement of purpose of bill as introduced: This bill proposes to establish
9	unenforceable contract provisions for the licensing of electronic literary
10	products, require public libraries to adopt policies governing the selection and
11	reconsideration of library materials, amend the provisions governing the
12	confidentiality of library records for library users over 12 years of age, create
13	the positions of School Library Consultant within the Agency of Education and
14	Library Consultants within the Department of Libraries, authorize the
15	Department of Libraries to issue Certificates of Public Librarianship based on a
16	program of continuing education, incorporate public libraries into the public
17	safety statutes governing schools and school property, amend the governance
18	structures and funding of public libraries, require the State Librarian and Board
19	of Libraries to adopt rules governing the minimum standards for public
20	libraries, and appropriate monies for various public library services and the
21	accessibility of library facilities and materials.

1	An act relating to Vermont's public libraries
2	It is hereby enacted by the General Assembly of the State of Vermont:
3	* * * Findings and Intent * * *
4	Sec. 1. FINDINGS AND INTENT
5	(a) Findings. The General Assembly finds that:
6	(1) Vermont's libraries are essential to the enlightenment and education
7	of Vermont's citizens;
8	(2) it is vital that Vermont's citizens have meaningful access to free
9	public libraries, library resources, and library materials, including electronic
10	literary products, and access to these materials should not be unduly limited or
11	restricted;
12	(3) it is also vital that Vermont's primary and secondary education
13	students have meaningful access to well-supported and staffed school libraries
14	and age-appropriate school library resources and materials, including
15	electronic literary products, and access to these materials should not be unduly
16	limited or restricted;
17	(4) Vermont's academic and institutional libraries play a crucial role in
18	sustaining academic freedom and providing access to academic and specialized
19	library collections and services to Vermont college and graduate students,
20	academics, historians, and others;

1	(5) the State of Vermont values its diverse citizenry and believes that all
2	citizens should have equal access to library resources and services without
3	discrimination;
4	(6) in upholding the principles of the First Amendment to the U.S.
5	Constitution, libraries serve as guardians of citizens' rights to receive and
6	express diverse ideas and information, unencumbered by censorship,
7	discrimination, or bias;
8	(7) as places of public accommodation, public libraries are obligated to
9	ensure their services, facilities, and resources are accessible and inclusive to
10	all, without favor or discrimination;
11	(8) libraries play a vital role in fostering a culture of intellectual freedom
12	and inquiry, allowing individuals to explore a wide range of subjects without
13	fear of reprisal, ridicule, or discrimination;
14	(9) individuals use libraries and library materials with the expectation
15	that library records will remain confidential and that library property will be
16	protected by the same public safety standards as other educational centers;
17	(10) Vermont's library trustees, librarians, and library staff will benefit
18	from a certificate program that recognizes their meaningful roles within
19	Vermont's library systems and their dedication to continuing education; and

1	(11) Vermont's public libraries will benefit from updated minimum
2	standards that may improve policies governing materials, programming,
3	accessibility, and public access to information technology.
4	(b) Intent. Therefore, it is the intent of the General Assembly to protect
5	libraries from contracts and trade practices that interfere with libraries' duties
6	and core missions; require library procedures and policies that will honor the
7	role of libraries as centers for intellectual freedom; foster the role of libraries as
8	community centers; and empower the Department of Libraries to provide
9	guidance, education, and minimum standards for all of Vermont's libraries.
10	* * * Licensing of Electronic Literary Products * * *
11	Sec. 2. 22 V.S.A. chapter 3, subchapter 4 is added to read:
12	Subchapter 4. Electronic Literary Products
13	§ 161. DEFINITIONS
14	As used in this subchapter:
15	(1) "Digital audiobook" means a published work that has been
16	converted into a voice recording and released in a digital audio file for
17	listening on an electronic device.
18	(2) "Electronic book" means a text document that has been converted
19	into or published in a digital format that is read on an electronic device.
20	(3) "Electronic literary product" means a digital audiobook or an
21	electronic book.

1	(4) "Public funds" means any money received or spent by a public
2	library from State or municipal appropriations, taxes, fees, donations, or any
3	interest accumulating from the maintenance and investment of those sources.
4	(5) "Public library" means a public library as defined in subdivision
5	101(2) of this title.
6	(6) "Publisher" means one whose business is one or more of the
7	following: the manufacture, promulgation, license, or sale of books,
8	audiobooks, journals, magazines, newspapers, or other literary productions,
9	including those in the form of electronic literary materials.
10	§ 162. ELECTRONIC LITERARY PRODUCTS; UNENFORCEABLE
11	<u>CONTRACTS</u>
12	(a) Any contract offered by a publisher to license electronic literary
13	products to the public in Vermont is governed by State law.
14	(b) Contracts to purchase or license electronic literary products that include
15	prohibited provisions as enumerated in section 183 of this subchapter are
16	unconscionable and are deemed unenforceable and void. The waiver of any of
17	the provisions of this subchapter is contrary to public policy and shall be
18	deemed unenforceable and void.
19	(c) A contract for electronic literary products shall contain no provision
20	that:

1	(1) precludes, limits, or restricts the library from performing its core
2	missions, including any provision that:
3	(A) precludes, limits, or restricts the library from licensing electronic
4	literary products;
5	(B) prohibits the library from loaning electronic literary materials to
6	borrowers;
7	(C) restricts or limits the library's right to loan the electronic literary
8	materials to borrowers using technological protection measures;
9	(D) restricts or limits the use of technological protection measures for
10	loaning the work to borrowers;
11	(E) restricts or limits the library's right to make nonpublic
12	preservation copies of the electronic literary products;
13	(F) restricts or limits the library's right to loan electronic literary
14	products via interlibrary loan systems; or
15	(G) restricts or limits the library's ability to virtually recite text and
16	display artwork of any products to library patrons such that the products would
17	not have the same educational utility as when recited or displayed at a library
18	facility;
19	(2) restricts the number of licenses for electronic literary products that
20	the library may acquire after the same item is made available to the public;

1	(3) requires the library to acquire a license for any electronic literary
2	product at a price greater than that charged to the public for the same item;
3	(4) restricts the library's right to determine loan periods for licensed
4	electronic literary products;
5	(5) restricts the total number of times the library may loan any licensed
6	electronic literary product over the course of any license agreement;
7	(6) restricts the duration of any licensing agreements;
8	(7) restricts the library from disclosing any terms of its license
9	agreements to other libraries; or
10	(8) requires the library to violate any provision of section 172 of this
11	title.
12	§ 163. ELECTRONIC LITERARY PRODUCTS; UNFAIR AND
13	DECEPTIVE TRADE PRACTICES
14	(a) A person who violates this subchapter commits an unfair and deceptive
15	act in trade and commerce in violation of 9 V.S.A. § 2453.
16	(b) Actions for relief pursuant to this title may be brought by libraries,
17	library officers, or borrowers, or shall be prosecuted by the Attorney General.
18	* * * Library Policies; Selection and Retention of Library Materials * * *
19	Sec. 3. 22 V.S.A. § 67 is amended to read:
20	§ 67. PUBLIC LIBRARIES; STATEMENT OF POLICY; USE OF
21	FACILITIES AND RESOURCES

1	* * *
2	(c) To ensure that Vermont libraries protect and promote the principles of
3	free speech, inquiry, discovery, and public accommodation, it is necessary that
4	the trustees, managers, or directors of free public libraries adopt policies that
5	comply with the First Amendment to the U.S. Constitution and State and
6	federal civil rights and antidiscrimination laws.
7	Sec. 4. 22 V.S.A. § 69 is added to read:
8	§ 69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF
9	LIBRARY MATERIALS
10	A public library shall adopt a policy for the selection and reconsideration of
11	library materials that complies with the First Amendment to the U.S.
12	Constitution, the Civil Rights Act of 1964, and State laws prohibiting
13	discrimination in places of public accommodation. A public library may adopt
14	as its policy a model policy adopted by the Department of Libraries pursuant to
15	section 606 of this title.
16	Sec. 5. 22 V.S.A. § 606 is amended to read:
17	§ 606. OTHER DUTIES AND FUNCTIONS
18	The Department, in addition to the functions specified in section 605 of this
19	title:
20	* * *

1	(9) May develop and adopt model policies for free public libraries
2	concerning collection development, display, meeting room use, patron
3	behavior, internet use, materials reconsideration, and other relevant topics to
4	ensure substantive compliance with the First Amendment to the U.S.
5	Constitution and Vermont laws prohibiting discrimination.
6	* * * Confidentiality of Library Records; Minors * * *
7	Sec. 6. 22 V.S.A. § 172 is amended to read:
8	§ 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS
9	* * *
10	(b) Unless authorized by other provisions of law, the library's officers,
11	employees, and volunteers shall not disclose the records except:
12	* * *
13	(4) to custodial parents or guardians of patrons under age 16 12 years of
14	age; or
15	* * *
16	* * * Library Consultant; Positions * * *
17	Sec. 7. LIBRARY CONSULTANT POSITIONS; AGENCY OF
18	EDUCATION AND DEPARTMENT OF LIBRARIES
19	(a) One full-time, classified position is created in the Agency of Education
20	for the purpose of establishing a School Library Consultant, who shall
21	coordinate with the Department of Libraries to assist school libraries.

1	(b) Two full-time, classified Library Consultant positions are created in the
2	Department of Libraries to assist with the duties and functions of the
3	Department established by this act.
4	* * * Training and Education for Library Staff * * *
5	Sec. 8. 22 V.S.A. § 606 is amended to read:
6	§ 606. OTHER DUTIES AND FUNCTIONS
7	The Department, in addition to the functions specified in section 605 of this
8	title:
9	* * *
10	(5) May Shall provide a continuing education program for a Certificate
11	in Public Librarianship. The Department shall conduct seminars, workshops,
12	and other programs to increase the professional competence of librarians in the
13	State.
14	* * *
15	* * * Public Safety * * *
16	Sec. 9. 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; <u>public library</u> ; 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	<u>§ 101.</u>
10	* * *
11	Sec. 10. 13 V.S.A. § 4004 is amended to read:
12	§ 4004. POSSESSION OF DANGEROUS OR DEADLY WEAPON IN A
13	SCHOOL BUS OR, SCHOOL BUILDING, PUBLIC LIBRARY, OR
14	ON SCHOOL PROPERTY
15	(a) No person shall knowingly possess a firearm or a dangerous or deadly
16	weapon while within a school building, public library, or on a school bus. A
17	person who violates this section shall, for the first offense, be imprisoned for
18	not more than one year or fined not more than \$1,000.00, or both, and for a
19	second or subsequent offense shall be imprisoned for not more than three years
20	or fined not more than \$5,000.00, or both.

1	(b) No person shall knowingly possess a firearm or a dangerous or deadly
2	weapon on any school property or public library property with the intent to
3	injure another person. A person who violates this section shall, for the first
4	offense, be imprisoned for not more than three years or fined not more than
5	\$1,000.00, or both, and for a second or subsequent offense shall be imprisoned
6	for not more than five years or fined not more than \$5,000.00, or both.
7	(c) This section shall not apply to:
8	* * *
9	(3) Possession and use of firearms or dangerous or deadly weapons if
10	the governing body, trustees, managers, or directors of a public library
11	authorize possession or use for specific occasions or for instructional or other
12	specific purposes.
13	(d) As used in this section:
14	* * *
15	(6) "Public library" means a public library as defined in 22 V.S.A.
16	<u>§ 101.</u>
17	(7) "Public library property" means any property owned by a public
18	<u>library.</u>
19	* * *

1	* * * Library Governance * * *
2	Sec. 11. 22 V.S.A. § 105 is amended to read:
3	§ 105. GENERAL POWERS
4	(a) The trustees, managers, or directors shall:
5	(1) elect the officers of the corporation from their number and have the
6	control and management of the affairs, finances, and property of the
7	corporation;
8	(2) adopt bylaws and policies governing the operation of the library;
9	(3) establish a library budget;
10	(4) hold regular meetings; and
11	(5) ensure compliance with the terms of any funding, grants, or
12	bequests.
13	(b) The Trustees, managers, or directors may:
14	(1) accept donations and, in their discretion, hold the donations in the
15	form in which they are given for the purposes of science, literature, and art
16	germane to the objects and purposes of the corporation. They may,; and
17	(2) in their discretion, receive by loan books, manuscripts, works of art
18	and other library materials and hold or circulate them under the conditions
19	specified by the owners.

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1	Sec. 12. 22 V.S.A. § 141 is amended to read:
2	§ 141. ESTABLISHMENT AND MAINTENANCE
3	(a) A municipality may establish and maintain <u>public libraries</u> for the use
4	of its residents <del>public libraries</del> .
5	(b) A municipality may provide library services to the residents of other
6	municipalities, upon terms to be agreed upon, and may annually contract with
7	a library or library corporation to furnish library materials to its residents free
8	of charge and. A municipality may appropriate money for that purpose the
9	purposes described in this subsection and may annually appropriate money for
10	the maintenance, care, increase, and support of a library held in trust for the
11	residents of the municipality.
12	Sec. 13. 22 V.S.A. § 142 is amended to read:
13	§ 142. APPROPRIATIONS
14	A municipality establishing and maintaining a library or contracting for

library services may shall appropriate money as necessary for suitable facilities

sufficient amounts for the maintenance, care, and increase of the library in an

and for the foundation of a public library and. At the annual municipal

meeting, the municipality shall vote to appropriate money annually in

amount voted at its annual meeting.

1	Sec. 14. 22 V.S.A. § 143 is amended to read:
2	§ 143. TRUSTEES
3	(a) Unless a municipality which that has established or shall establish a
4	public library votes at its annual meeting to elect a board of trustees, the
5	governing body of the municipality shall appoint the trustees. The
6	appointment or election of the trustees shall continue in effect until changed at
7	an annual meeting of the municipality. When trustees are first chosen, they
8	shall be elected or appointed for staggered terms.
9	(b) The board shall consist of not less than five trustees who shall have full
10	power to:
11	(1) manage the public library, make and any property that shall come
12	into the hands of the municipality by gift, purchase, devise, or bequest for the
13	use and benefit of the library;
14	(2) adopt bylaws, and policies governing the operation of the library;
15	(3) elect officers, establish a library policy and receive, control and
16	manage property which shall come into the hands of the municipality by gift,
17	purchase, devise or bequest for the use and benefit of the library;
18	(4) establish a library budget;
19	(5) hold regular meetings; and
20	(6) ensure compliance with the terms of any funding, grants, or
21	<u>bequests</u> .

1	(c) The board may appoint a director for the efficient administration and		
2	conduct of the library. A library director shall be under the supervision and		
3	control of the library board of trustees.		
4	(b) When trustees are first chosen, they shall be elected or appointed for		
5	staggered terms.		
6	* * * Department of Libraries * * *		
7	Sec. 15. 22 V.S.A. § 606 is amended to read:		
8	§ 606. OTHER DUTIES AND FUNCTIONS		
9	The Department, in addition to the functions specified in section 605 of this		
10	title:		
11	* * *		
12	(8) Shall be the primary access point for State information, and provide		
13	advice on State information technology policy adopt a collection development		
14	policy that reflects diversity of race, ethnicity, sex, gender identity, sexual		
15	orientation, and disability status, and Vermont's diverse people and history.		
16	* * *		
17	Sec. 16. 22 V.S.A. § 612 is added to read:		
18	§ 612. RULES; MINIMUM STANDARDS FOR VERMONT PUBLIC		
19	<u>LIBRARIES</u>		
20	The Department of Libraries shall adopt rules governing the minimum		
21	standards for Vermont public libraries. At minimum, the rules shall:		

1	(1) require all public libraries to adopt policies governing intellectual
2	freedom, collection development, materials reconsideration, and programming
3	(2) require that public library policies shall be developed and adopted
4	within a nondiscrimination framework that explicitly prohibits discrimination;
5	(3) establish minimum standards for the public availability of
6	information technology at public libraries;
7	(4) establish continuing education requirements for public library
8	trustees; and
9	(5) establish recommendations for:
10	(A) library building specifications, meeting rooms, collections sizes,
11	and programming levels based on community population;
12	(B) the regular inspection of library buildings and property;
13	(C) facility maintenance and improvement plans; and
14	(D) minimum municipal funding for public libraries.
15	* * * Appropriations * * *
16	Sec. 17. APPROPRIATIONS
17	The following sums are appropriated from the General Fund in fiscal year
18	<u>2025:</u>
19	(1) \$275,000.00 to the Department of Libraries to support the programs
20	and services established by this act.

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1	(2) \$225,000.00 to the Department of Libraries to support the two
2	Library Consultant positions created in Sec. 7 of this act.
3	(3) \$112,500.00 to the Agency of Education for the School Library
1	Consultant position created in Sec. 7 of this act.
5	* * * Effective Date * * *
5	Sec. 18. EFFECTIVE DATE
7	This act shall take effect on July 1, 2024.