

1 S.220

2 An act relating to Vermont's public libraries

3 It is hereby enacted by the General Assembly of the State of Vermont:

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

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

6 § 67. PUBLIC LIBRARIES; STATEMENT OF POLICY; USE OF
7 FACILITIES AND RESOURCES

8 * * *

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

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

15 § 69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF
16 LIBRARY MATERIALS

17 A public library shall adopt a policy for the selection and reconsideration of
18 library materials that complies with the First Amendment to the U.S.
19 Constitution, the Civil Rights Act of 1964, and State laws prohibiting
20 discrimination in places of public accommodation. A public library may adopt

1 as its policy a model policy adopted by the Department of Libraries pursuant to
2 section 606 of this title.

3 * * * Confidentiality of Library Records; Minors * * *

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

5 § 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

6 * * *

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

9 * * *

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

12 * * *

13 * * * Public Safety * * *

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

15 § 1702. CRIMINAL THREATENING

16 * * *

17 (d) A person who violates subsection (a) of this section by making a threat
18 that places any person in reasonable apprehension that death, serious bodily
19 injury, or sexual assault will occur at a public or private school; postsecondary
20 education institution; public library; place of worship; polling place during
21 election activities; the Vermont State House; or any federal, State, or municipal

1 building shall be imprisoned not more than two years or fined not more than
2 \$2,000.00, or both.

3 * * *

4 (h) As used in this section:

5 * * *

6 (12) “Public library” means a public library as defined in 22 V.S.A.

7 § 101.

8 * * *

9 * * * Library Governance * * *

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

11 § 105. GENERAL POWERS

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

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

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

17 (3) establish a library budget;

18 (4) hold regular meetings; and

19 (5) ensure compliance with the terms of any funding, grants, or

20 bequests.

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

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

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

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

8 § 143. TRUSTEES

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

15 (b) The board shall consist of not less ~~fewer~~ fewer than five trustees who shall
16 have full power to:

17 (1) manage the public library, ~~make~~ and any property that shall come
18 into the hands of the municipality by gift, purchase, devise, or bequest for the
19 use and benefit of the library;

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

1 ~~(3) elect officers, establish a library policy and receive, control and~~
2 ~~manage property which shall come into the hands of the municipality by gift,~~
3 ~~purchase, devise or bequest for the use and benefit of the library;~~

4 (4) establish a library budget;

5 (5) hold regular meetings; and

6 (6) ensure compliance with the terms of any funding, grants, or
7 bequests.

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

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

13 * * * Department of Libraries * * *

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

15 § 606. OTHER DUTIES AND FUNCTIONS

16 The Department, in addition to the functions specified in section 605 of this
17 title:

18 * * *

19 (5) ~~May~~ Shall provide a continuing education program for a Certificate
20 in Public Librarianship. The Department shall conduct seminars, workshops,

1 and other programs to increase the professional competence of librarians in the
2 State.

3 * * *

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

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

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

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

16 * * * School Library Material Selection * * *

17 Sec. 7a. 16 V.S.A. § 1624 is added to read:

18 § 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

19 (a) Each school board and each approved independent school shall develop,
20 adopt, ensure the enforcement of, and make available in the manner described
21 under subdivision 563(1) of this title a library material selection policy and

1 procedures for the reconsideration of materials. The policy and procedures
2 shall affirm the importance of intellectual freedom and be guided by the First
3 Amendment to the U.S. Constitution, the American Library Association's
4 Freedom to Read Statement, and Vermont's Freedom to Read Statement.

5 (b) In order to ensure a student's First Amendment rights are protected and
6 all students' identities are affirmed and dignity respected, the policy and
7 procedures required under subsection (a) of this section shall prohibit the
8 removal of school library materials for the following reasons:

9 (1) partisan approval or disapproval;

10 (2) the author's race, nationality, gender identity, sexual orientation,
11 political views, or religious views;

12 (3) school board members' or members of the public's discomfort,
13 personal morality, political views, or religious views;

14 (4) the author's point of view concerning the problems and issues of our
15 time, whether international, national, or local;

16 (5) the race, nationality, gender identity, sexual orientation, political
17 views, or religious views of the protagonist or other characters; or

18 (6) content related to sexual health that addresses physical, mental,
19 emotional, or social dimensions of human sexuality, including puberty, sex,
20 and relationships.

