

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred Senate Bill No. 220 entitled “An act relating to Vermont’s public
4 libraries” respectfully reports that it has considered the same and recommends
5 that the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the 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 library material selection policy and
21 procedures for the reconsideration and retention of library materials that

1 complies with the First Amendment to the U.S. Constitution, the Civil Rights
2 Act of 1964, State laws prohibiting discrimination in places of public
3 accommodation, and that reflect Vermont’s diverse people and history,
4 including diversity of race, ethnicity, sex, gender identity, sexual orientation,
5 disability status, religion, and political beliefs. A public library may adopt as
6 its policy a model policy adopted by the Department of Libraries pursuant to
7 section 606 of this title.

8 * * * Confidentiality of Library Records; Minors * * *

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

10 § 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

11 * * *

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

14 * * *

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

17 * * *

18 * * * Public Safety * * *

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

20 § 1702. CRIMINAL THREATENING

21 * * *

1 (d) A person who violates subsection (a) of this section by making a threat
2 that places any person in reasonable apprehension that death, serious bodily
3 injury, or sexual assault will occur at a public or private school; postsecondary
4 education institution; public library; place of worship; polling place during
5 election activities; the Vermont State House; or any federal, State, or municipal
6 building shall be imprisoned not more than two years or fined not more than
7 \$2,000.00, or both.

8 * * *

9 (h) As used in this section:

10 * * *

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

12 § 101.

13 * * *

14 * * * Library Governance * * *

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

16 § 105. GENERAL POWERS

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

18 (1) elect the officers of the corporation from their number and have the
19 control and management of the affairs, finances, and property of the
20 corporation;

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

- 1 (3) establish a library budget;
2 (4) hold regular meetings; and
3 (5) ensure compliance with the terms of any funding, grants, or
4 bequests.

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

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

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

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

13 § 143. TRUSTEES

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

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

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

3 * * * School Library Material Selection * * *

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

5 § 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

6 (a) Each school board and each approved independent school shall develop,
7 adopt, ensure the enforcement of, and make available in the manner described
8 under subdivision 563(1) of this title a library material selection policy and
9 procedures for the reconsideration and retention of materials. The policy and
10 procedures shall affirm the importance of intellectual freedom and be guided
11 by the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964,
12 Vermont laws prohibiting discrimination in places of public accommodation,
13 the American Library Association’s Freedom to Read Statement, Vermont’s
14 Freedom to Read Statement, and reflect Vermont’s diverse people and history,
15 including diversity of race, ethnicity, sex, gender identity, sexual orientation,
16 disability status, religion, and political beliefs.

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

21 (1) partisan approval or disapproval;

1 (a) Secs. 2 (22 V.S.A. § 69; public libraries; selection and reconsideration
2 of library materials) and 7a (16 V.S.A. § 1624; school library material
3 selection policy) shall take effect on July 1, 2025.

4 (b) Sec. 7 (22 V.S.A. § 606; Dept. of Libraries; other duties and functions)
5 shall take effect on January 1, 2025.

6 (c) This section and all other sections of this act shall take effect on July 1,
7 2024.

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14 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE