

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~~ independent school;  
4 postsecondary education institution; public library; place of worship; polling  
5 place during election activities; the Vermont State House; or any federal, State,  
6 or municipal building shall be imprisoned not more than two years or fined not  
7 more than \$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           (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 for consideration by the legislative body of  
9           the municipality for inclusion in the municipality’s budget;
- 10           (5) hold regular meetings; and
- 11           (6) ensure compliance with the terms of any funding, grants, or  
12           bequests.

13           (c) The board may appoint a director for the efficient administration and  
14           conduct of the library. A library director shall be under the supervision and  
15           control of the library board of trustees, unless the employee relationship is  
16           otherwise specified in the municipality’s charter or by written agreement  
17           between the legislative body of the municipality and the trustees.

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

20                                           \* \* \* Department of Libraries \* \* \*

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

1 § 606. OTHER DUTIES AND FUNCTIONS

2 The Department, in addition to the functions specified in section 605 of this  
3 title:

4 \* \* \*

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

9 \* \* \*

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

12 (9) May develop and adopt model policies for free public libraries  
13 concerning displays, meeting room use, patron behavior, internet use, library  
14 materials selection, and other relevant topics, as well as procedures for the  
15 reconsideration and retention of library materials, to ensure compliance with  
16 the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964,  
17 and Vermont laws prohibiting discrimination in places of public  
18 accommodation.

19 (10) Shall adopt a material selection policy and procedures for  
20 reconsideration and retention that reflect Vermont's diverse people and history.

1 including diversity of race, ethnicity, sex, gender identity, sexual orientation,  
2 disability status, religion, and political beliefs.

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

5 \* \* \* School Library Material Selection \* \* \*

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

7 § 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

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

19 (b) In order to ensure a student’s First Amendment rights are protected and  
20 all students’ identities are affirmed and dignity respected, the policy and

1 procedures required under subsection (a) of this section shall prohibit the  
2 removal of school library materials for the following reasons:

3 (1) partisan approval or disapproval;

4 (2) the author’s race, nationality, gender identity, sexual orientation,  
5 political views, or religious views;

6 (3) school board members’ or members of the public’s discomfort,  
7 personal morality, political views, or religious views;

8 (4) the author’s point of view concerning the problems and issues of our  
9 time, whether international, national, or local;

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

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

15 (c) The policy and procedures required under subsection (a) of this  
16 section shall ensure that school library staff are responsible for curating and  
17 developing collections that provide students with access to a wide array of  
18 materials that are relevant to students’ research, independent reading interests,  
19 and educational needs, as well as ensuring such materials are tailored to the  
20 cognitive and emotional levels of the children served by the school.

21 \* \* \* Effective Dates \* \* \*



1       Sec. 8. EFFECTIVE DATES

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

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

7           (c) This section and all other sections of this act shall take effect on July 1,  
8       2024.

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15       (Committee vote: \_\_\_\_\_)

16

\_\_\_\_\_

17

Representative \_\_\_\_\_

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FOR THE COMMITTEE