

Chapter 129

(House Bill 785)

AN ACT concerning

Freedom to Read Act

FOR the purpose of establishing a State policy that local school systems operate their school library media programs consistent with certain standards; requiring each local school system to develop a policy and procedures to review objections to materials in a school library media program; prohibiting a county board of education from taking certain actions against certain school library media program personnel for performing their job duties consistent with certain standards; establishing the State standards for libraries for the operation of each library that receives funding from the State; altering the duties of the State Library Board, the State Library Agency, and regional resource centers to incorporate the State standards for libraries; making funding for certain libraries contingent on adoption of a written policy for operation of the library consistent with the State standards for libraries; ~~requiring the State Librarian to authorize~~ the State Comptroller to withhold funding from libraries under certain circumstances; ~~prohibiting county boards of education and the governing bodies of certain libraries from retaliating against employees for acting in a manner~~ performing their job duties consistent with the State standards for libraries under certain circumstances; ~~requiring a certain action involving the property of a library to be committed knowingly in order to be considered a crime;~~ altering the maximum fine for a certain crime involving the property of a library; and generally relating to ~~the establishment of the~~ State policies and standards for libraries in the State.

BY adding to

Article – Education

Section 4–142 and 23–102.1

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 23–101, 23–105, 23–106, 23–202, 23–202.1, 23–205, 23–406, ~~23–408~~, 23–503, 23–506, and 23–507

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

4-142.

~~(A) IN THIS SECTION, "STATE STANDARDS FOR LIBRARIES" HAS THE MEANING STATED IN § 23-101 OF THIS ARTICLE.~~

(A) IT IS THE POLICY OF THE STATE THAT EACH LOCAL SCHOOL SYSTEM OPERATE ITS SCHOOL LIBRARY MEDIA PROGRAM CONSISTENT WITH THE FOLLOWING STANDARDS:

(1) THE MATERIALS, SERVICES, AND RESOURCES PROVIDED IN A SCHOOL LIBRARY MEDIA PROGRAM ARE PROVIDED FOR THE INTEREST, INFORMATION, AND INSTRUCTIONAL SUPPORT OF STUDENTS AND SCHOOL PERSONNEL OF THE SCHOOLS THE PROGRAM SERVES;

(2) MATERIALS MAY NOT BE EXCLUDED FROM A SCHOOL LIBRARY MEDIA PROGRAM SOLELY BECAUSE OF THE ORIGIN, BACKGROUND, OR VIEWS OF THE INDIVIDUAL WHO CREATED THE MATERIAL; AND

(3) MATERIALS MAY NOT BE EXCLUDED OR REMOVED FROM THE CATALOGUE OF A SCHOOL LIBRARY MEDIA PROGRAM BECAUSE OF PARTISAN, IDEOLOGICAL, OR RELIGIOUS DISAPPROVAL;

~~(4) THE RIGHT TO USE A SCHOOL LIBRARY BELONGS TO ALL STUDENTS AND SCHOOL PERSONNEL SERVED BY THE LIBRARY AND THAT RIGHT SHOULD NOT BE DENIED OR HINDERED BECAUSE OF AN INDIVIDUAL'S ORIGIN, BACKGROUND, OR VIEWS;~~

~~(5) A SCHOOL LIBRARY SHOULD MAKE ITS PUBLIC SPACES AND FACILITIES AVAILABLE TO ALL STUDENTS AND SCHOOL PERSONNEL ON AN EQUITABLE BASIS; AND~~

~~(6) A SCHOOL LIBRARY SHOULD HONOR THE RIGHT OF PRIVACY OF EACH STUDENT AND EACH SCHOOL EMPLOYEE WHO USES ITS SERVICES AND MUST PROTECT PERSONAL DATA AND INFORMATION.~~

(B) (1) EACH LOCAL SCHOOL SYSTEM SHALL DEVELOP AND IMPLEMENT A POLICY AND PROCEDURES TO REVIEW OBJECTIONS TO MATERIALS IN THE SCHOOL LIBRARY MEDIA PROGRAM.

(2) THE POLICY AND PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) ESTABLISH A UNIFORM PROCESS TO SUBMIT AN OBJECTION TO MATERIALS IN A SCHOOL LIBRARY MEDIA PROGRAM BY A STUDENT, PARENT OR GUARDIAN OF A STUDENT ENROLLED IN A SCHOOL IN THE LOCAL SCHOOL SYSTEM, OR SCHOOL PERSONNEL;

(II) REQUIRE MATERIALS UNDER REVIEW DUE TO AN OBJECTION TO REMAIN AVAILABLE FOR USE BY STUDENTS AND SCHOOL PERSONNEL UNTIL THE REVIEW PROCESS HAS CONCLUDED; AND

(III) ESTABLISH A REASONABLE TIMELINE TO CONDUCT AND CONCLUDE THE REVIEW PROCESS IN A TIMELY MANNER.

~~**(B) (C) A COUNTY BOARD MAY NOT DISMISS, DEMOTE, SUSPEND, DISCIPLINE, REASSIGN, TRANSFER, OR OTHERWISE RETALIATE AGAINST A LIBRARIAN OR, A CERTIFIED LIBRARY MEDIA SPECIALIST, OR SCHOOL LIBRARY MEDIA PROGRAM SUPPORT STAFF EMPLOYED BY A COUNTY BOARD MAY NOT BE DISMISSED, DEMOTED, SUSPENDED, DISCIPLINED, REASSIGNED, TRANSFERRED, OR OTHERWISE RETALIATED AGAINST FOR ACTING IN A MANNER FOR PERFORMING THEIR JOB DUTIES CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES STANDARDS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.**~~

23-101.

(a) In this title the following words have the meanings indicated.

(b) “Print disabled individual” means an individual who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

(c) “State Library Agency” means the Maryland State Library Agency.

(d) “State Library Board” means the Maryland State Library Board.

~~**(E) “STATE STANDARDS FOR LIBRARIES” MEANS THE PHILOSOPHY FOR THE OPERATION OF A LIBRARY THAT ADHERES TO THE STANDARDS ENUMERATED IN § 23-102.1(A) OF THIS SUBTITLE**~~ **STANDARDS FOR THE CONSISTENT AND EQUITABLE OPERATION OF A LIBRARY THAT SERVE ALL CITIZENS OF THE STATE AS ESTABLISHED UNDER § 23-102.1(B) OF THIS SUBTITLE.**

23-102.1.

(A) (1) IN THIS SECTION, “LIBRARY” INCLUDES:

(I) THE STATE LIBRARY RESOURCE CENTER;

(II) A REGIONAL RESOURCE CENTER;

(III) A CORRECTIONAL FACILITY LIBRARY;

(IV) A COUNTY LIBRARY SYSTEM AND THE ENOCH PRATT FREE LIBRARY IN BALTIMORE;

(V) THE MARYLAND STATE LIBRARY FOR THE BLIND AND PRINT DISABLED;

(VI) THE MARYLAND DEAF CULTURE DIGITAL LIBRARY; AND

(VII) A METROPOLITAN COOPERATIVE SERVICE PROGRAM.

(2) “LIBRARY” DOES NOT INCLUDE A SCHOOL LIBRARY MEDIA PROGRAM ESTABLISHED BY A LOCAL SCHOOL SYSTEM.

(B) IT IS THE GOAL POLICY OF THE STATE THAT EACH LIBRARY IS OPERATED SHALL OPERATE IN A MANNER THAT RECOGNIZES CONSISTENT WITH THE FOLLOWING STANDARDS:

(1) LIBRARY MATERIALS, SERVICES, AND RESOURCES EXIST AND SHOULD BE PROVIDED FOR THE INTEREST, INFORMATION, AND ENLIGHTENMENT OF ALL PERSONS THE LIBRARY SERVES;

(2) A LIBRARY SHOULD NOT EXCLUDE MATERIAL FROM ITS CATALOGUE BECAUSE OF THE ORIGIN, BACKGROUND, OR VIEWS OF A PERSON WHO CREATED THE MATERIAL; AND AND

(3) A LIBRARY SHOULD NOT PROHIBIT OR REMOVE MATERIAL FROM ITS CATALOGUE BECAUSE OF PARTISAN OR DOCTRINAL, IDEOLOGICAL, OR RELIGIOUS DISAPPROVAL;

(4) THE RIGHT TO USE A LIBRARY BELONGS TO ALL INDIVIDUALS IN THE LIBRARY’S COMMUNITY AND THAT RIGHT SHOULD NOT BE DENIED OR HINDERED BECAUSE OF AN INDIVIDUAL’S ORIGIN, AGE, BACKGROUND, OR VIEWS;

(5) A LIBRARY SHOULD MAKE ITS PUBLIC SPACES AND FACILITIES AVAILABLE TO ALL MEMBERS OF THE PUBLIC IT SERVES ON AN EQUITABLE BASIS; AND

~~(6) A LIBRARY SHOULD HONOR THE RIGHT OF PRIVACY OF EACH INDIVIDUAL WHO USES ITS SERVICES AND MUST PROTECT PERSONAL DATA AND INFORMATION.~~

~~(B)~~ (C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ~~ANY A LIBRARY, SCHOOL LIBRARY, RESOURCE CENTER, OR OTHER LIBRARY ARRANGEMENT DEVELOPED BY THE STATE LIBRARY AGENCY~~ THAT RECEIVES FUNDING FROM THE STATE ~~SHALL~~ ADOPT AND FOLLOW A WRITTEN POLICY FOR OPERATION OF A LIBRARY THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES ENUMERATED IN UNDER SUBSECTION (A) (B) OF THIS SECTION.

23-105.

(a) In addition to the other powers granted and duties imposed by this article, the State Library Board has the powers and duties set forth in this section.

(b) The State Library Board shall appoint the State Librarian.

(c) The State Library Board shall exercise general direction and control of library development in this State and may:

(1) Adopt rules and regulations necessary to administer this title;

(2) After considering the recommendations of the State Librarian, establish library policies and procedures for the statewide system of libraries;

(3) Consider the library needs of this State and recommend to the Governor and the General Assembly desirable legislation; and

(4) With the approval of the Governor, accept, administer, and spend any appropriation, gift, or grant for library purposes from the federal government or from any other person.

(d) In accordance with the bylaws, rules, and regulations of the State Board of Education, the State Superintendent shall certificate professional library personnel.

(e) (1) Each year the State Library Board shall report to the Governor and the people of this State on the support, condition, progress, and needs of libraries.

(2) The report required under paragraph (1) of this subsection shall include any findings of the State Library Agency related to its duties under § 23-106(b)(4) of this subtitle.

(f) The State Library Board shall approve county public library capital projects for State funding in accordance with § 23-509 of this title.

(G) THE STATE LIBRARY BOARD SHALL DEVELOP POLICIES FOR THE OPERATION OF LIBRARIES THAT ~~ALIGN~~ ARE CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

23-106.

(a) In addition to any other powers granted and duties imposed by this title, and subject to the authority of the State Library Board, the State Library Agency has the powers and duties set forth in this section.

(b) The State Library Agency shall:

(1) Provide leadership and guidance for the planning and coordinated development of library and information service in this State;

(2) Develop statewide public and school library services and networks, resource centers, and other arrangements to meet the library and information needs of this State;

(3) Provide professional and technical advice on improving library services in this State to:

(i) Public and school library officials;

(ii) Higher education and special library officials;

(iii) State government agencies; and

(iv) Any other person;

(4) (i) Collect library statistics and other data;

(ii) Identify library needs and provide for needed research and studies of them; and

(iii) Coordinate library services with other information and education services and agencies;

(5) Administer federal and State funds appropriated to it by the State for library purposes;

(6) (i) Develop and recommend professional standards and policies for libraries; and

(ii) Establish requirements and procedures for the certification of librarians and library personnel;

(7) Provide:

(i) Specialized library service to the blind and other print disabled individuals in this State; and

(ii) Other desirable specialized library services;

(8) Encourage, advise, and assist in establishing, operating, and coordinating libraries at State institutions and agencies and administer the operation of library and information services for the State Library Board;

(9) Administer the State grant program for county public library capital projects, in accordance with § 23–509 of this title;

(10) Adopt guidelines for the administration of public libraries and recommend to the State Library Board rules and regulations to implement this title;

(11) Cooperate with national library agencies and those of any other state;

(12) Develop a Deaf Culture Digital Library in accordance with § 23–109 of this subtitle; [and]

(13) ENSURE THAT EACH LIBRARY AS DEFINED IN § 23–102.1 OF THIS SUBTITLE THAT RECEIVES STATE FUNDS IS OPERATED IN A MANNER CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES; AND

(14) Perform any other duty necessary for its proper operation.

23–202.

(a) The boards of library trustees of at least three public library systems outside the standard metropolitan statistical areas defined by the United States Bureau of the Census may request the State Library Board to establish and maintain a regional resource center.

(b) Each regional resource center shall provide, through mutual cooperation and coordination, books, information, and other material and service resources that an individual library cannot provide adequately by itself.

(c) (1) A region to be served by a regional resource center shall have a population of at least 100,000.

(2) Subject to approval by the State Library Board, the boards of library trustees of the participating library systems shall designate the library to serve as the resource center.

(d) (1) There is a board of advisors for each regional resource center that shall act as the Regional Advisory Council.

(2) The Council consists of:

- (i) The director of the regional resource center; and
- (ii) The director of each member library system.

(3) The Council for each regional resource center shall:

- (i) Gather information on the resource needs of its region; and
- (ii) Promote the use of the regional resource center.

(e) (1) The director of the regional resource center is the executive officer of the regional resource center.

(2) The director:

(i) Is appointed by the governing board established in accordance with § 23–202.1 of this subtitle; and

(ii) Shall serve at the pleasure of the governing board.

(3) The director shall:

(i) Be eligible for certification as a professional library director by the State Superintendent of Schools as set forth in COMAR 14.38.01.01;

(ii) Have the powers and duties set forth in this title; and

(iii) Appoint, promote, fix salaries, assign duties, and terminate personnel of the regional resource center.

(f) (1) The director shall operate the regional resource center in accordance with:

(i) The standards adopted by the State Library Board; and

(ii) The policies adopted by the governing board.

(2) The director shall:

(i) Prepare and submit for the approval of the governing board the annual budget of the regional resource center;

(ii) Adopt and submit for the approval of the governing board reasonable rules and bylaws to carry out this section; and

(iii) Recommend to the governing board the purchase, condemnation, rental, use, sale, or conveyance of property for any valid purpose under this section.

(g) **(1)** The policies and procedures of the regional resource center shall be:

[(1)] (I) Recommended by the board of trustees of the library designated as the regional resource center; and

[(2)] (II) Approved by the Council.

(2) THE POLICIES AND PROCEDURES FOR OPERATION OF THE REGIONAL RESOURCE CENTER SHALL BE CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

(h) Each regional resource center shall:

- (1) Make interlibrary loans of books and materials;
- (2) Supply collections and exhibits of specialized materials;
- (3) Provide consultant services;
- (4) Organize in-service training for library staffs; and
- (5) Develop and operate cooperative services among libraries.

23-202.1.

(a) There is a governing board for each regional resource center.

(b) (1) Except as provided in paragraph (2) of this subsection, a governing board consists of the following members:

(i) A library trustee from each participating library system; and

(ii) Up to one member of the public from each area served by the participating library systems.

(2) (i) The board of trustees of the Washington County Free Library shall act as the governing board for the Western Maryland Regional Resource Center.

(ii) The bylaws adopted by the board of trustees of the Washington County Free Library shall govern the composition, appointment, qualifications, terms, and structure of the governing board.

(c) A member appointed to a governing board must:

(1) Be of good character;

(2) Have demonstrated ability and interest in library matters; and

(3) Be a resident of one of the counties participating in and being served by the regional resource center.

(d) (1) Subject to paragraph (2) of this subsection, the members of the governing board shall be appointed by the governing board.

(2) The initial members of a governing board shall be appointed by the Regional Advisory Council of the regional resource center.

(e) A member of a governing board:

(1) May not receive compensation as a member of the governing board; but

(2) Is entitled to reimbursement for expenses in accordance with the rules, policies, and bylaws of the regional resource center.

(f) (1) Each member serves for a term of 5 years beginning July 1 immediately following the member's appointment and until a successor is appointed and qualifies.

(2) A member may not serve for more than two consecutive terms.

(3) (i) The governing board shall appoint a qualified individual to fill any vacancy in the member's position for the remainder of that term until a successor is appointed and qualifies.

(ii) A member appointed to fill a vacancy under subparagraph (i) of this paragraph may serve for two additional terms.

(g) (1) A governing board shall elect a chair from among its members each year.

(2) A governing board may elect any other officers determined necessary by the board.

(3) If a governing board elects a treasurer, the treasurer shall be appropriately bonded.

(h) (1) A governing board:

(i) Shall determine the time and place of its meetings; and

(ii) May adopt rules for the conduct of its meetings.

(2) A governing board shall meet at least once every 3 months.

(3) A governing board is subject to the Open Meetings Act.

(4) A majority of the appointed members of the governing board is a quorum.

(i) (1) A member of a governing board who fails to attend at least 50% of the scheduled meetings of the board during any consecutive 12-month period shall be considered to have resigned.

(2) If the member has been unable to attend meetings for reasons satisfactory to the governing board, the governing board may waive the resignation.

(3) The chair of a governing board shall report the member's name and nonattendance to the State Library Board within 45 days after the end of the 12-month period.

(4) The governing board shall fill any vacancy in accordance with subsection (f) of this section.

(j) (1) In addition to the other powers expressly granted and duties imposed by this subtitle, a governing board has the powers and duties set forth in this subsection.

(2) A governing board shall:

(i) Select and appoint, with the advice of the State Librarian, a professional librarian to serve as director of the regional resource center;

(ii) Determine the policies of the regional resource center;

(iii) Adopt reasonable rules and bylaws for the use of the regional resource center and the conduct of its business;

(iv) Approve the regional resource center budget;

(v) In accordance with the regulations and laws of the State, receive, account for, control, and supervise the spending of all public funds received by the regional resource center;

(VI) ADOPT AND FOLLOW A WRITTEN POLICY FOR OPERATION OF THE REGIONAL RESOURCE CENTER THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES AND CONDUCT THE OPERATION OF THE REGIONAL RESOURCE CENTER IN A MANNER CONSISTENT WITH THE WRITTEN POLICY;

[(vi)] **(VII)** Publish the results of the audit conducted under paragraph (4)(ii) of this subsection; and

[(vii)] **(VIII)** Submit a report to the State Librarian on or before November 1 each year that includes:

1. The amount of money received from the library fund and other sources;
2. Itemized expenses;
3. The number of books and periodicals in the possession of and owned by the regional resource center;
4. The results of the annual audit; and
5. Any other information required by the State Library Board.

(3) A governing board may:

(i) Apply, accept, and expend any gift, appropriation, or grant from the State, county, or federal government or any other person on behalf of the regional resource center;

(ii) Recommend the purchase, condemnation, rental, acquisition, use, or conveyance of property for any valid purpose under this section;

(iii) Recommend plans for the regional resource centers, including the use of facilities of participating libraries, additions to the facilities of participating libraries, or new facilities separate from the existing facilities of participating libraries;

(iv) Select the location of and approve plans for the erection of regional resource center buildings, subject to the approval of the State Library Board and the Governor;

(v) Make agreements with any person for any library service; and

(vi) Perform any other actions necessary for the proper control and development of the regional resource center.

(4) In addition to other reports that may be required by the State Library Board, the Board shall:

(i) Keep records that are consistent with sound business practices and accounting records that use generally accepted accounting principles;

(ii) Cause an audit by an independent certified public accountant approved by the State Librarian to be made of the accounts and transactions of the regional resource center at the conclusion of each fiscal year; and

(iii) For any State money, be subject to an audit by the Office of Legislative Audits, in accordance with §§ 2–1220 through 2–1227 of the State Government Article.

(K) THE GOVERNING BOARD MAY NOT DISMISS, SUSPEND, DISCIPLINE, DEMOTE, REASSIGN, TRANSFER, OR OTHERWISE RETALIATE AGAINST AN EMPLOYEE FOR ACTING IN A MANNER CONSISTENT WITH THE REGIONAL RESOURCE CENTER’S WRITTEN POLICY IMPLEMENTING THE STATE STANDARDS FOR LIBRARIES.

23–205.

(a) **[Each] SUBJECT TO SUBSECTION (G) OF THIS SECTION, EACH** year, the State Library Board may include in its budget operating funds for:

- (1) The State Library Resource Center;
- (2) Each regional resource center;
- (3) The Maryland Library for the Blind and Print Disabled;
- (4) The Deaf Culture Digital Library; and
- (5) Each metropolitan cooperative service program.

(b) (1) **[The] SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE** State shall pay all capital expenses for:

- (i) The State Library Resource Center; and
- (ii) Each regional resource center.

(2) Before any money is spent under this subsection, the appropriate board of library trustees shall:

(i) Have the project approved by the State Library Board;

(ii) Through the State Library Board, submit the request to the Department of Budget and Management for consideration under Title 3, Subtitle 6 of the State Finance and Procurement Article; and

(iii) Agree to reimburse the State Library Board an amount the State Library Board determines if the facility ceases to be used for a resource center or cooperative service program.

(c) (1) **[Each] SUBJECT TO SUBSECTION (G) OF THIS SECTION, EACH** year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For each of fiscal years 2011 through 2015..... \$6.75 per each resident of the area served;

(ii) For fiscal year 2016..... \$6.95 per each resident of the area served;

(iii) For fiscal year 2017..... \$7.15 per each resident of the area served;

(iv) For fiscal year 2018..... \$7.55 per each resident of the area served;

(v) For fiscal year 2019..... \$7.95 per each resident of the area served;

(vi) For fiscal year 2020..... \$8.35 per each resident of the area served;

(vii) For fiscal year 2021..... \$8.55 per each resident of the area served;

(viii) For fiscal year 2022..... \$8.75 per each resident of the area served;

(ix) For fiscal year 2023..... \$9.19 per each resident of the area served;

(x) For fiscal year 2024..... \$9.39 per each resident of the area served;

(xi) For fiscal year 2025..... \$9.59 per each resident of the area served;

(xii) For fiscal year 2026..... \$9.79 per each resident of the area served; and

(xiii) For fiscal year 2027 and each fiscal year thereafter..... \$9.99 per each resident of the area served.

(d) (1) [Each] **SUBJECT TO SUBSECTION (G) OF THIS SECTION**, EACH year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

(i) For each of fiscal years 2010 through 2016..... \$1.67 per State resident;

(ii) For fiscal year 2017..... \$1.69 per State resident;

(iii) For fiscal year 2018..... \$1.73 per State resident;

(iv) For fiscal year 2019..... \$1.77 per State resident;

(v) For fiscal year 2020..... \$1.81 per State resident;

(vi) For fiscal year 2021..... \$1.85 per State resident;

(vii) For fiscal year 2022..... \$1.89 per State resident;

(viii) For fiscal year 2023..... \$1.93 per State resident; and

(ix) For fiscal year 2024 and each fiscal year thereafter..... \$1.97 per State resident.

(e) [Beginning] **SUBJECT TO SUBSECTION (G) OF THIS SECTION, BEGINNING** in fiscal year 2016 and in each fiscal year thereafter, the Maryland Library for the Blind and Print Disabled shall receive an amount equivalent to at least 25% of the amount received by the State Library Resource Center for the same fiscal year under subsection (d) of this section.

(f) (1) The State Library Board shall:

(i) Disburse funds to the State and regional resource centers, the Maryland Library for the Blind and Print Disabled, and metropolitan cooperative service programs; and

(ii) Require that these funds be used subject to any conditions specified by the appropriating agency or imposed under this subtitle.

(2) The State Library Board may authorize the State Comptroller to withhold funds from any regional resource center or metropolitan cooperative service program that fails to meet the standards adopted by the State Library Board.

(G) (1) RECEIPT OF FUNDING UNDER THIS SECTION IS CONTINGENT ON A LIBRARY, RESOURCE CENTER, OR METROPOLITAN COOPERATIVE SERVICE PROGRAM ADOPTING A WRITTEN POLICY FOR OPERATION OF THE LIBRARY, CENTER, OR PROGRAM THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

~~(2) THE STATE LIBRARIAN SHALL AUTHORIZE THE STATE COMPTROLLER TO WITHHOLD STATE FUNDS FROM A LIBRARY, RESOURCE CENTER, OR COOPERATIVE SERVICE PROGRAM THAT DOES NOT ADOPT A WRITTEN POLICY THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES~~

(I) THE COMPTROLLER SHALL WITHHOLD ALL STATE FUNDS FROM ANY REGIONAL RESOURCE CENTER OR METROPOLITAN COOPERATIVE SERVICE PROGRAM THAT THE STATE LIBRARY BOARD CERTIFIES HAS FAILED TO MEET THE STATE STANDARDS FOR LIBRARIES.

(II) THE COMPTROLLER SHALL CONTINUE TO WITHHOLD FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL THE STATE LIBRARY BOARD CERTIFIES THAT THE REGIONAL RESOURCE CENTER OR METROPOLITAN COOPERATIVE SERVICE PROGRAM HAS ADOPTED A WRITTEN POLICY CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

(a) Each board of library trustees:

(1) Shall select and appoint a professional librarian eligible for certification as director of the library to serve at the pleasure of the board; and

(2) May delegate to the director its authority to appoint any other necessary employees.

(b) Each board of library trustees shall establish policies for:

(1) Staff classification;

(2) Salaries;

(3) Work conditions;

(4) Suspension with pay;

(5) Grievance procedures;

(6) Benefits, including vacation and sick leave;

(7) Hours of work; and

(8) Any other personnel procedures and practices necessary for the efficient operation of the library.

(c) Each professional public librarian appointee to the professional library staff:

(1) Shall hold a certificate of library qualifications issued by the State Superintendent; or

(2) (i) Shall be eligible for State certification as a professional public librarian; and

(ii) Shall apply for certification within 6 months of starting employment.

(d) (1) The director or the director's designee may suspend a library employee without pay for a specified period up to 10 working days, for the following reasons:

(i) Misconduct in office;

(ii) Insubordination;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) (i) The director or the director's designee shall give the suspended employee a written statement that specifies the reasons for the suspension.

(ii) The director or the director's designee shall place a copy of the written statement that specifies the reasons for the suspension in the employee's official personnel file.

(3) (i) The employee shall have the opportunity to reply in writing to the director within 10 working days after the employee receives notice of the suspension.

(ii) The employee may request a hearing before the board of trustees within 10 working days after receiving notice of the suspension.

(iii) If the employee requests a hearing within the 10-day period, the board shall promptly hold a hearing, but a hearing may not be set within 10 working days after the board sends the employee a notice of the hearing.

(4) If an employee is suspended without pay and found not guilty of the reasons for the suspension, the board shall refund all pay benefits lost by reason of the suspension to the employee.

(5) Suspension of an employee with pay shall be as provided by the library's personnel policy.

(e) (1) On written recommendation of the library director, each board of library trustees may dismiss any library employee under its jurisdiction for any of the following reasons:

(i) Misconduct in office;

(ii) Insubordination;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) (i) Before removing an employee, the director shall send the employee a written copy of the charges against the employee and give the employee an opportunity to request a hearing before the board within 10 working days.

(ii) If the employee requests a hearing within the 10-day period the board promptly shall hold a hearing, but a hearing may not be set within 10 working days after the board sends the employee a notice of the hearing.

(iii) The employee shall have an opportunity to be heard publicly before the board in his own defense, in person or by counsel and to bring witnesses to the hearing.

(3) If the board votes to remove the employee and:

(i) The decision is unanimous, the decision of the board is final; or

(ii) The decision is not unanimous, the employee may appeal to the State Library Board through the State Librarian.

(F) IF THE BOARD OF LIBRARY TRUSTEES ADOPTS A WRITTEN POLICY CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES, AN EMPLOYEE MAY NOT BE DISMISSED, SUSPENDED, DISCIPLINED, DEMOTED, REASSIGNED, TRANSFERRED, OR OTHERWISE RETALIATED AGAINST FOR ~~ACTING IN A MANNER~~ PERFORMING THEIR JOB DUTIES CONSISTENT WITH THE ADOPTED WRITTEN POLICY.

~~[(f)]~~ (G) The director of each library shall:

(1) Act as the general executive officer of the library and be responsible for the management of its operations in accordance with policies approved by the board of library trustees;

(2) Prepare the annual budget of the library, and present it to the board for approval;

(3) Nominate for appointment all library employees in the county library system; and

(4) Establish reasonable rules and adopt regulations for the use of the library system subject to approval by the board of library trustees.

~~23-408.~~

~~(a) A person may not KNOWINGLY AND unlawfully take, detain, mutilate, injure, or disfigure any book, map, picture, engraving, manuscript, or other property of any library.~~

~~(b) Any person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding ~~[\$250]~~ \$1,000, imprisonment not exceeding 3 months, or both.~~

23-503.

(a) (1) The entire capital and operating cost of the minimum library program for this State as a whole shall be shared as provided in this subsection.

(2) **[The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE** State shall provide:

- (i) Approximately 40 percent of the total cost of the minimum program; and
- (ii) Not less than 20 percent of the cost of the minimum program in any county.

(3) The counties participating in the program together shall provide through local taxes approximately 60 percent of the total statewide cost of the minimum program.

(b) (1) **[Each] SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH** county public library system that participates in the minimum library program shall be provided for each resident of the county, to be used for operating and capital expenses:

- (i) For each of fiscal years 2011 through 2015 – \$14.00;
- (ii) For fiscal year 2016 – \$14.27;
- (iii) For fiscal year 2017 – \$14.54;
- (iv) For fiscal year 2018 – \$15.00;
- (v) For fiscal year 2019 – \$15.50;
- (vi) For fiscal year 2020 – \$16.00;
- (vii) For fiscal year 2021 – \$16.43;
- (viii) For fiscal year 2022 – \$17.10;
- (ix) For fiscal year 2023 – \$17.50;
- (x) For fiscal year 2024 – \$17.90;
- (xi) For fiscal year 2025 – \$18.30;
- (xii) For fiscal year 2026 – \$18.70; and
- (xiii) For fiscal year 2027 and each fiscal year thereafter – \$19.10.

(2) (i) **[The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE** State shall share in this amount.

(ii) Any county may provide an amount greater than its share under the cooperative program, but the State may not share in the excess.

(c) Any employer Social Security contributions required by federal law for any employee in a county public library system shall remain the obligation of the employer.

(D) (1) RECEIPT OF STATE FUNDING FOR A COUNTY LIBRARY SYSTEM THAT PARTICIPATES IN THE MINIMUM LIBRARY PROGRAM UNDER THIS SECTION IS CONTINGENT ON THE BOARD OF LIBRARY TRUSTEES ADOPTING A WRITTEN POLICY FOR OPERATION OF THE COUNTY LIBRARY SYSTEM THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

~~**(2) THE STATE LIBRARIAN SHALL AUTHORIZE THE STATE COMPTROLLER TO WITHHOLD STATE FUNDS FROM A COUNTY PUBLIC LIBRARY SYSTEM THAT DOES NOT ADOPT A WRITTEN POLICY THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES**~~

(I) THE COMPTROLLER SHALL WITHHOLD ALL STATE FUNDS FROM A COUNTY LIBRARY SYSTEM THAT THE STATE LIBRARY BOARD CERTIFIES HAS FAILED TO MEET THE STATE STANDARDS FOR LIBRARIES.

(II) THE COMPTROLLER SHALL CONTINUE TO WITHHOLD FUNDS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL THE STATE LIBRARY BOARD CERTIFIES THAT THE COUNTY LIBRARY SYSTEM HAS ADOPTED A WRITTEN POLICY CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

23-506.

(a) The State Librarian shall authorize the payment of funds under this subtitle:

(1) To the board of library trustees of each county that has a board of trustees; or

(2) In each county that does not have a board of library trustees, to the county.

(b) (1) Current operating funds shall be administered by the county board of library trustees.

(2) Capital expense funds shall be administered by the county council, board of county commissioners, or Mayor and City Council of Baltimore City.

(c) (1) The funds provided under this subtitle may be used only for library purposes.

(2) The State Librarian shall require that these funds be used subject to [any]:

(I) THE ADOPTION OF A WRITTEN POLICY FOR OPERATION OF THE COUNTY LIBRARY SYSTEM CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES BY EACH BOARD OF LIBRARY TRUSTEES OR, IF THE COUNTY DOES NOT HAVE A BOARD OF LIBRARY TRUSTEES, THE COUNTY GOVERNMENT; AND

(II) ANY OTHER conditions specified by the appropriating agency or imposed under this subtitle.

23-507.

(A) The State Librarian shall authorize the State Comptroller to withhold State funds from any county that fails:

(1) To appropriate the amount of its share of the minimum program; or

(2) To meet the requirements of the law or of the State Library Board for operating the county library, ~~INCLUDING THE REQUIREMENT THAT THE COUNTY LIBRARY BE OPERATED IN A MANNER THAT IS CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.~~

(B) (1) THE COMPTROLLER SHALL WITHHOLD ALL STATE FUNDS FROM A COUNTY THAT THE STATE LIBRARY BOARD CERTIFIES HAS FAILED TO OPERATE THE COUNTY LIBRARY SYSTEM CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

(2) THE COMPTROLLER SHALL CONTINUE TO WITHHOLD FUNDS UNDER PARAGRAPH (1) OF THIS SUBSECTION UNTIL THE STATE LIBRARY BOARD CERTIFIES THAT THE COUNTY HAS ADOPTED A WRITTEN POLICY FOR THE OPERATION OF THE COUNTY LIBRARY SYSTEM CONSISTENT WITH THE STATE STANDARDS FOR LIBRARIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2024~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 25, 2024.