

**SB0738/173028/1**

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 738  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 3, after “of” insert “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;”; in line 7, after “policy” insert “for operation of the library”; in line 8, strike “the State Librarian to authorize”; in lines 9 and 10, strike “county boards of education and”; in line 11, strike “acting in a manner” and substitute “performing their job duties”; strike beginning with “altering” in line 13 down through “library;” in line 14; in lines 14 and 15, strike “the establishment of the”; in line 15, after “State” insert “policies and”; and in the same line, after “libraries” insert “in the State”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 and 6; after line 6, insert:

**“(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.

(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 CONSISTENT WITH U.S. SUPREME COURT LEGAL PRECEDENT.

(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.”;

in line 7, strike “(B)” and substitute “(C)”; in the same line, after “A” insert “COUNTY BOARD MAY NOT DISMISS, DEMOTE, SUSPEND, DISCIPLINE, REASSIGN,

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TRANSFER, OR OTHERWISE RETALIATE AGAINST A"; in the same line, strike "OR" and substitute ", A CERTIFIED LIBRARY"; in the same line, after "SPECIALIST" insert ", OR SCHOOL LIBRARY MEDIA PROGRAM SUPPORT STAFF"; strike beginning with "EMPLOYED" in line 7 down through "MANNER" in line 9 and substitute "FOR PERFORMING THEIR JOB DUTIES"; and in line 10, strike "STATE STANDARDS FOR LIBRARIES" and substitute "STANDARDS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION".

AMENDMENT NO. 3

On page 2, strike beginning with "PHILOSOPHY" in line 18 down through "SUBTITLE" in line 20 and substitute "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"; in line 22, after "(A)" insert "(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

(Over)

**(VII) A METROPOLITAN COOPERATIVE SERVICE PROGRAM.**

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

**(B)**”;

in line 22, strike “GOAL” and substitute “POLICY”; in the same line, strike “IS OPERATED” and substitute “SHALL OPERATE”; and in line 23, strike “THAT RECOGNIZES” and substitute “CONSISTENT WITH”.

On page 3, in line 2, strike “OR DOCTRINAL” and substitute “, IDEOLOGICAL, OR RELIGIOUS”; in line 3, strike “(B)” and substitute “(C)”; in the same line, strike “ANY” and substitute “A”; strike beginning with the comma in line 3 down through “AGENCY” in line 5; in line 6, strike “SHALL”; in the same line, after “POLICY” insert “FOR OPERATION OF A LIBRARY THAT IS”; in line 7, strike “ENUMERATED IN” and substitute “UNDER”; and in the same line, strike “(A)” and substitute “(B)”.

On page 4, in line 2, strike “ALIGN” and substitute “ARE CONSISTENT”.

On page 5, in line 15, after “LIBRARY” insert “AS DEFINED IN § 23-102.1 OF THIS TITLE”.

On page 7, in line 9, after “PROCEDURES” insert “FOR OPERATION”.

On page 9, in line 28, after “ADOPT” insert “AND FOLLOW”; in the same line, after “POLICY” insert “FOR OPERATION OF THE REGIONAL RESOURCE CENTER”; and strike beginning with “AND” in line 29 down through “POLICY” in line 31.

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On page 14, in line 10, after “OR” insert “METROPOLITAN”; in line 11, after “POLICY” insert “FOR OPERATION OF THE LIBRARY, CENTER, OR PROGRAM”; and strike beginning with “THE” in line 13 down through “LIBRARIES” in line 16 and substitute “(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”.

On page 16, in line 26, strike “ACTING IN A MANNER” and substitute “PERFORMING THEIR JOB DUTIES”.

On page 17, in line 11, strike the brackets; and in the same line, strike “\$1,000”.

On page 18, in line 18, after “POLICY” insert “FOR OPERATION OF THE COUNTY LIBRARY SYSTEM”; and strike beginning with “THE” in line 20 down through “LIBRARIES” in line 23 and substitute “(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”.

(Over)

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On page 19, in line 11, after “POLICY” insert “FOR OPERATION OF THE COUNTY LIBRARY SYSTEM”; in line 18, before “The” insert “(A)”; strike beginning with the comma in line 22 down through “LIBRARIES” in line 24; after line 24, insert:

“(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.”;

and in lines 25 and 26, strike “shall take effect July 1, 2024” and substitute “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”.