

HB0785/573520/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 785
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "**and Wilkins**" and substitute "**Wilkins, Fair, Feldmark, Grossman, Mireku-North, Palakovich Carr, and Wu**"; in line 3, after the first "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 "requiring" in line 12 down through "crime;" in line 13; in lines 14 and 15, strike "the establishment of the"; in line 15, after "State" insert "policies and"; in the same line, after "libraries" insert "in the State"; and in line 23, strike "23-408,".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 and 4 and substitute:

"(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;

(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.”;

in line 5, strike “(B)” and substitute “(C)”; in the same line, after “A” insert “COUNTY BOARD MAY NOT DISMISS, DEMOTE, SUSPEND, DISCIPLINE, REASSIGN, 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 5 down through “MANNER” in line 7 and substitute “FOR PERFORMING THEIR JOB DUTIES”; and in line 8, 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 16 down through “SUBTITLE” in line 18 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 20, 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

(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 20, strike "GOAL" and substitute "POLICY"; in the same line, strike "IS OPERATED" and substitute "SHALL OPERATE"; in line 21, strike "THAT RECOGNIZES" and substitute "CONSISTENT WITH"; in line 27, strike "AND"; in line 29, strike "OR DOCTRINAL" and substitute ", IDEOLOGICAL, OR RELIGIOUS"; and in the same line, after "DISAPPROVAL" insert ";

(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".

On page 3, in line 1, strike "(B)" and substitute "(C)"; in the same line, strike "ANY" and substitute "A"; strike beginning with the comma in line 1 down through "AGENCY" in line 3; in line 4, strike "SHALL"; in the same line, after "POLICY" insert "FOR OPERATION OF A LIBRARY THAT IS"; in line 5, strike "ENUMERATED IN" and substitute "UNDER"; in the same line, strike "(A)" and substitute "(B)"; and in line 31, strike "ALIGN" and substitute "ARE CONSISTENT".

On page 5, in line 12, after "LIBRARY" insert "AS DEFINED IN § 23-102.1 OF THIS TITLE".

On page 7, in line 5, after "PROCEDURES" insert "FOR OPERATION".

On page 9, in line 25, 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 26 down through "POLICY" in line 28.

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On page 14, in line 7, after “OR” insert “METROPOLITAN”; in line 8, after “POLICY” insert “FOR OPERATION OF THE LIBRARY, CENTER, OR PROGRAM”; and strike beginning with “THE” in line 10 down through “LIBRARIES” in line 13 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 24, strike “ACTING IN A MANNER” and substitute “PERFORMING THEIR JOB DUTIES”.

On page 17, strike in their entirety lines 5 through 10, inclusive.

On page 18, in line 17, after “POLICY” insert “FOR OPERATION OF THE COUNTY LIBRARY SYSTEM”; and strike beginning with “THE” in line 19 down through “LIBRARIES” in line 22 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”.

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On page 19, in line 9, after “POLICY” insert “FOR OPERATION OF THE COUNTY LIBRARY SYSTEM”; in line 16, before “The” insert “(A)”; strike beginning with the comma in line 20 down through “LIBRARIES” in line 22; after line 22, 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 23 and 24, 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”.