

# HOUSE BILL NO. 6035

November 07, 2024, Introduced by Reps. Glanville, Paiz, Edwards, Price, McFall, Neeley, O'Neal, MacDonell, Martus, Conlin, Tyrone Carter, Pohutsky, Wegela, Mentzer, Dievendorf, Hood, Andrews, Byrnes, Wilson, Brabec, Rogers, Morgan and McKinney and referred to the Committee on Government Operations.

A bill to create standards and processes for the selection of materials for inclusion in or withdrawal from a district library's collection; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act may be cited as the "district library freedom  
2 to read act".

3       Sec. 2. As used in this act:

4       (a) "Contracted service area" means a jurisdiction for which a

1 district library receives state aid under the state aid to public  
2 libraries act, 1977 PA 89, MCL 397.551 to 397.576, or under 1964 PA  
3 59, MCL 397.31 to 397.40, pursuant to a contract.

4 (b) "District library" means a district library established  
5 under the district library establishment act, 1989 PA 24, MCL  
6 397.171 to 397.196.

7 (c) "Legal service area" means the district of a district  
8 library.

9 (d) "Material" means an individual book, magazine, DVD, CD-  
10 ROM, or other audio-visual material that is a tangible item or an  
11 electronically available item in the district library's collection.  
12 Material includes a district library program. Material does not  
13 include any of the following:

14 (i) A website available through the district library's  
15 computers or internet connection.

16 (ii) An item available through interlibrary loan.

17 (iii) A program not sponsored or operated by the district  
18 library.

19 (iv) A label placed on materials.

20 (v) A district library's display or location of its materials.

21 (vi) An item available through databases or electronic services  
22 for which the district library does not have direct control or  
23 authority for selection.

24 (e) "Request for reconsideration" means a request to remove  
25 material from a district library's collection other than through  
26 the withdrawal process.

27 (f) "Selection" means the process by which a district library  
28 determines which items to include within the district library's  
29 collection, through purchase, donation, or other means.

1 (g) "Unusual circumstances" means 1 or more of the following,  
2 but only to the extent necessary for the proper processing of a  
3 request for reconsideration:

4 (i) The need to examine or review a voluminous number of  
5 separate and distinct requests for reconsideration that were  
6 submitted at the same time or within the same 30-day period.

7 (ii) The need to provide sufficient time for an individual  
8 responsible for reviewing or deciding the request for  
9 reconsideration to review the material.

10 (iii) The need to schedule a district library board meeting to  
11 address a request for reconsideration.

12 (h) "Withdrawal" means the routine or periodic removal of  
13 materials from a district library's collection for reasons stated  
14 in the district library's policy.

15 Sec. 3. (1) Subject to section 4, and except as otherwise  
16 provided by law, the director or, if there is no director, the  
17 chief executive employee working at the district library, has the  
18 final responsibility for the selection of materials for inclusion  
19 or withdrawal in a district library's collection. The director or  
20 chief executive employee may designate another individual to act on  
21 the director's or chief executive employee's behalf to assist with  
22 selection or withdrawal.

23 (2) By not later than 90 days after the effective date of this  
24 act, if a district library does not have a policy in effect that  
25 complies with this act, a district library must adopt a policy or  
26 amend an existing policy that identifies, at a minimum, all of the  
27 following:

28 (a) Standards for selection of material for the district  
29 library's collection.

1 (b) Standards for the withdrawal of material from the district  
2 library's collection.

3 (c) A process for a request for reconsideration of the  
4 inclusion of material in the district library's collection.

5 (d) Conditions that must be met before the district library  
6 will review a request for reconsideration, which may include any of  
7 the following:

8 (i) The reason for the request for reconsideration of the  
9 district library's material. A reason that is not in compliance  
10 with this act must not be considered by the district library.

11 (ii) That the individual making the request for reconsideration  
12 certifies that the requester has read the entire material before  
13 filing the request for reconsideration. If the request for  
14 reconsideration involves a program, the request for reconsideration  
15 must certify that the requester has attended the program or read  
16 the description of the program. If the request for reconsideration  
17 involves audio or video material, the request for reconsideration  
18 must certify that the requester has listened to or viewed the  
19 entire audio or video material.

20 (iii) A request for reconsideration of material may be made only  
21 by a resident of the district library's legal service area or  
22 contracted service area.

23 (iv) If a request for reconsideration of a material has been  
24 determined by the district library, the district library shall not  
25 consider a request for reconsideration of that same material within  
26 365 days after that determination.

27 (v) Under unusual circumstances, that the district library may  
28 extend the period during which the district library must respond to  
29 the request for reconsideration.

1           (vi) Any other lawful requirement.

2           Sec. 4. (1) A request for reconsideration may be made to a  
3 district library only for material owned or controlled by that  
4 district library.

5           (2) A reason or basis for a request for reconsideration cannot  
6 be made based on the religion, race, color, national origin, age,  
7 sex, sexual orientation, gender identity or expression, height,  
8 weight, familial status, or marital status of the author or because  
9 the subject matter, content, or viewpoint of the material involves  
10 religion, race, color, national origin, age, sex, sexual  
11 orientation, gender identity or expression, height, weight,  
12 familial status, or marital status. The director or, if there is no  
13 director, the chief executive employee working at the district  
14 library has discretion to determine if the reasons stated in a  
15 request for reconsideration comply with this subsection.

16           (3) A district library shall not grant a request for  
17 reconsideration based on the subject matter, content, or viewpoint  
18 of material, unless the material has been adjudicated to be obscene  
19 or otherwise unprotected by the First Amendment of the Constitution  
20 of the United States or by section 5 of article I of the state  
21 constitution of 1963, as determined by a court of competent  
22 jurisdiction over the community in which the district library  
23 serves.

24           Sec. 5. (1) The attorney general may, on behalf of the Library  
25 of Michigan, commence a civil action seeking a mandamus or other  
26 action to compel the district library to adopt a policy in  
27 compliance with this act.

28           (2) The attorney general, a resident of the district library's  
29 legal service area, or a resident of the district library's

1 contracted service area may commence a civil action for any of the  
2 following:

3 (a) A temporary or permanent injunction to prevent the  
4 district library from unlawful removal of material in violation of  
5 this act.

6 (b) A mandamus or other action to compel the district library  
7 to return material to the collection that is removed in violation  
8 of this act.

9 Enacting section 1. This act does not take effect unless  
10 Senate Bill No. \_\_\_\_ or House Bill No. 6034(request no. 03675'23) of  
11 the 102nd Legislature is enacted into law.