

## SENATE BILL NO. 507

INTRODUCED BY S. MORIGEAU

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PUBLIC AND SCHOOL LIBRARY STANDARDS; PROHIBITING THE EXCLUSION OF A BOOK OR OTHER RESOURCE FROM A SCHOOL LIBRARY FOR CERTAIN REASONS; REQUIRING SCHOOL DISTRICT TRUSTEES TO ADOPT A POLICY AND PROCEDURES TO OBJECT TO A BOOK OR OTHER RESOURCE INCLUDED IN A SCHOOL LIBRARY; PROHIBITING A PUBLIC LIBRARY FROM BANNING OR RESTRICTING ACCESS TO A BOOK OR OTHER RESOURCE BASED ON THE VIEWPOINT OF THAT BOOK OR RESOURCE; REQUIRING A LIBRARY BOARD OF TRUSTEES TO ADOPT A POLICY REGARDING THE MATERIALS IN A PUBLIC LIBRARY'S COLLECTION; AMENDING SECTIONS 20-7-204 AND 22-1-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-7-204, MCA, is amended to read:

**"20-7-204. School library book selection.** (1) School library books shall must be selected in accordance with the requirements of this section by the district superintendent or a principal if there is no district superintendent, subject to the approval of the trustees. In districts not employing a superintendent or principal, the trustees shall select the school library books on the basis of recommendations of the county superintendent.

(2) The books, materials, services, and resources provided in a school library must be provided for the interest, information, and instructional support of the students and school personnel who are served by the school library.

(3) A book or other resource may not be excluded from a school library solely because of the origin, background, or views of the individual who created the book or other resource. A book or other resource may not be excluded from the school library catalog because of partisan, ideological, or religious disapproval."

1            **NEW SECTION. Section 2. Objection to school library material -- process required.** (1) The

2 trustees of a school district shall develop and implement a policy and procedures to review objections to books  
3 or other resources in the school library.

4            (2) The policy and procedures developed pursuant to this section must:

5            (a) establish a uniform process to submit an objection to materials in a school library by a student  
6 enrolled at the school served by the school library, a parent or guardian of a student enrolled at the school  
7 served by the school library, or a school staff member employed at the school served by the school library;

8            (b) require materials under review due to an objection to remain available for use by students and  
9 school staff members until the review process has concluded; and

10           (c) establish a reasonable timeline to conduct and conclude the review process in a timely manner.

11           (3) On completion of a library material challenge or reconsideration process pursuant to the policy  
12 adopted under this section, the school district trustees shall submit a report of the challenge to the  
13 superintendent of public instruction with the following information:

14           (a) the title, author, and other relevant identifying information about the material being challenged;

15           (b) the date, time, and location of any public hearing that was held related to the challenge,  
16 including minutes or transcripts;

17           (c) the result of the challenge or reconsideration request; and

18           (d) a person who may be contacted by the superintendent of public instruction for questions or  
19 followup.

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21           **Section 3.** Section 22-1-302, MCA, is amended to read:

22           **"22-1-302. Purpose.** (1) It is the purpose of this part to encourage the establishment, adequate  
23 financing, and effective administration of free public libraries in this state to give the people of Montana the  
24 fullest opportunity to enrich and inform themselves through reading.

25           (2) In furtherance of this purpose, a public library may not ban, remove, or otherwise restrict  
26 access to a book or other material based solely on the viewpoint of the book or other material or the messages,  
27 ideas, or opinions conveyed by the book or other material."

1           **NEW SECTION. Section 4. Library materials policy -- reporting requirement.** (1) The board of  
2 trustees for a public library shall adopt a policy that establishes procedures for the selection of, challenges to,  
3 and reconsideration of library materials pursuant to this section. The policy must comply with the requirements  
4 of 22-1-302(2).

5           (2) The policy must provide that the procedures for the selection and reconsideration of library  
6 materials must be administered by the chief librarian.

7           (3) The policy for the selection of library materials must provide that the chief librarian may decline  
8 to purchase, lend, or make available on a library shelf and that the chief librarian may remove or restrict access  
9 to books or other materials for:

10           (a) practical reasons, including but not limited to shelf space limitations, rare or antiquarian status,  
11 damage, or obsolescence;

12           (b) legitimate pedagogical concerns, including but not limited to the appropriateness of potentially  
13 sensitive topics for the library's intended audience, or the selection of books and materials for a curated  
14 collection; or

15           (c) compliance with state or federal law.

16           (4) (a) The policy must provide that a challenge to a library material must be administered by the  
17 chief librarian.

18           (b) On completion of a library material challenge or reconsideration process pursuant to the policy  
19 adopted under this section, the library board of trustees shall submit a report of the challenge to the state  
20 librarian with the following information:

21           (i) the title, author, and other relevant identifying information about the material being challenged;

22           (ii) the date, time, and location of any public hearing that was held related to the challenge,  
23 including minutes or transcripts;

24           (iii) the result of the challenge or reconsideration request; and

25           (iv) a person who may be contacted by the state librarian for questions or followup.

26           (5) If the library board of trustees adopts a written policy consistent with this section, an employee  
27 of the public library may not be dismissed, suspended, disciplined, demoted, reassigned, transferred, or  
28 otherwise retaliated against for performing the employee's job duties consistent with the written policy.

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2 NEW SECTION. **Section 5. Codification instruction.** (1) [Section 2] is intended to be codified as an

3 integral part of Title 20, chapter 7, part 2, and the provisions of Title 20, chapter 7, part 2, apply to [section 2].

4 (2) [Section 4] is intended to be codified as an integral part of Title 22, chapter 1, part 3, and the

5 provisions of Title 22, chapter 1, part 3, apply to [section 4].

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7 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2025.

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