ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 397

By: Hamilton, Burns, Jett, and Bullard of the Senate

and

Conley of the House

An Act relating to schools; directing school district boards of education and charter school and public library governing boards to appoint certain committee by certain date; requiring certain employee to be included on committee; requiring certain inventory to be completed by certain date; directing designation of print and nonprint materials and media; directing school districts and charter schools beginning on certain date to only include certain materials and media with certain designations in certain school libraries; allowing students access to certain materials and media only with certain written consent; directing public libraries beginning on certain date to place materials and media with certain designation in certain section; allowing certain individuals access to certain materials and media only with certain written consent; prohibiting school district, charter school, and public libraries beginning on certain date from including materials and media with certain content; providing for codification; providing an effective date; and declaring an emergency.

AUTHOR: Add the following House coauthors: Hardin, Olsen, Gann, Humphrey, West (Rick), Maynard, Kane, Banning, and Crosswhite Hader

AMENDMENT NO. 1. Page 1, Line 20, delete SECTION 1 in its entirety and replace with a new SECTION 1 to read as follows:
"SECTION 1. AMENDATORY Section 1, Chapter 106, O.S.L.  
2022 (70 O.S. Supp. 2022, Section 11-201), is amended to read as follows:

Section 11-201. A. As school library media center resources are finite, the library media program shall be reflective of the community standards for the population the library media center serves when acquiring an age-appropriate collection of print materials, nonprint materials, multimedia resources, equipment, and supplies adequate in quality and quantity to meet the needs of students in all areas of the school library media program.

B. To ensure appropriate compliance with this section, the Oklahoma Department of Libraries shall develop uniform procedures to be approved by the Legislature and adopted by school districts for the review and acquisition of collection materials. It shall be the duty of each school district to enforce the provisions of this section. The procedures shall be developed by the Oklahoma Department of Libraries and adopted by each school district no later than July 1, 2024.

C. The Oklahoma Department of Libraries shall submit the adopted procedures to the Speaker of the House of Representatives, or a designee, and the President Pro Tempore of the Senate, or a designee, prior to the last thirty (30) days of the legislative session. By adoption of a joint resolution, the Legislature shall approve the procedures, disapprove the procedures in whole or in
part, amend the procedures in whole or in part or disapprove the
procedures in whole or in part with instructions to the Oklahoma
Department of Libraries, provided that such joint resolution becomes
law in accordance with Section 11 of Article VI of the Oklahoma
Constitution. If the joint resolution is vetoed by the Governor in
accordance with Section 11 of Article VI of the Oklahoma
Constitution and the veto has not been overridden, the procedures
shall be deemed approved. If the Legislature fails to adopt a joint
resolution within thirty (30) legislative days following submission
of the procedures, the procedures shall be deemed approved.

D. If the procedures are disapproved in whole or are
disapproved in whole with instructions as provided for in this
section, the Oklahoma Department of Libraries may adopt new
procedures and submit the new procedures for legislative review
pursuant to this section. If the procedures are amended, approved
in part or are disapproved in part with instructions, the Oklahoma
Department of Libraries may revise the procedures in accordance with
the legislative changes and implement the procedures.

E. Upon final approval of the procedures, the standards shall
be considered final agency rules. The Oklahoma Department of
Libraries shall submit a copy of the procedures to the Secretary of
State, who shall include the procedures in the publication known as
the "Oklahoma Administrative Code" in the same manner as agency
rules are published in the "Code" as provided for in the
Administrative Procedures Act. All procedures approved and published as provided for in this subsection shall have the same force and effect of law as agency rules promulgated pursuant to the Administrative Procedures Act."

and renumber subsequent sections
and amend title to conform

Passed the House of Representatives the 27th day of April, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the ___ day of ________, 2023.

Presiding Officer of the Senate
An Act relating to schools; directing school district boards of education and charter school and public library governing boards to appoint certain committee by certain date; requiring certain employee to be included on committee; requiring certain inventory to be completed by certain date; directing designation of print and nonprint materials and media; directing school districts and charter schools beginning on certain date to only include certain materials and media with certain designations in certain school libraries; allowing students access to certain materials and media only with certain written consent; directing public libraries beginning on certain date to place materials and media with certain designation in certain section; allowing certain individuals access to certain materials and media only with certain written consent; prohibiting school district, charter school, and public libraries beginning on certain date from including materials and media with certain content; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-203 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. By September 1, 2023, each school district board of education, charter school governing body, and public library
governing body shall appoint a committee to conduct an inventory of print and nonprint materials and media located in their libraries. A library media specialist employed by a school district or charter school shall be included on the committee. The inventory shall be completed by July 1, 2024. Print and nonprint materials and media shall be designated with one of the following ratings:

1. “Elementary” means the content of the print or nonprint material or media is suitable for children enrolled in grades pre-kindergarten through five in this state;

2. “Junior high” means the content of the print or nonprint material or media may not include material unsuitable for a child enrolled in grades six, seven, and eight in this state, and parents and legal guardians are encouraged to provide guidance to their children in selecting print and nonprint materials and media rated “junior high”;

3. “Under 16” means the content of the print or nonprint materials or media may not include material inappropriate for children under the age of sixteen (16), and parents and legal guardians are urged to provide guidance to their children in selecting print and nonprint materials and media rated “under 16”;

and

4. “Juniors and seniors” means the content of the print or nonprint material or media may include some material not suitable for minors.
B. Beginning July 1, 2024, school districts and charter schools shall:

1. Include only print and nonprint materials and media designated as “elementary” in elementary school libraries serving students in grades pre-kindergarten through five;

2. Include only print and nonprint materials and media designated as “elementary” or “junior high” in elementary school libraries that serve students in grades pre-kindergarten through eight;

3. Include only print and nonprint materials and media designated as “elementary”, “junior high”, or “under 16” in junior high school and high school libraries; and

4. Place print and nonprint materials and media designated as “juniors and seniors” in a section of the library accessible only to librarians, teachers, and other school staff. Print and nonprint materials and media designated as “juniors and seniors” shall only be available to a student if he or she has presented a librarian, teacher, or other school staff with written consent from a parent or legal guardian.

C. Beginning July 1, 2024, public libraries shall place print and nonprint materials and media designated as “juniors and seniors” in a section of the library accessible only to library staff. Print and nonprint materials and media designated as “juniors and seniors” shall only be available to an individual under the age of eighteen.
(18) if he or she has presented library staff with written consent from a parent or legal guardian.

D. Beginning July 1, 2024, no print or nonprint material or media in a school district library, charter school library, or public library shall include content that the average person age eighteen (18) or older applying contemporary community standards would find has a predominant tendency to appeal to a prurient interest in sex.

SECTION 3. This act shall become effective July 1, 2023.

SECTION 4. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 7th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the ___ day of __________, 2023.

Presiding Officer of the House of Representatives