

1 ENGROSSED HOUSE AMENDMENT
TO

2 ENGROSSED SENATE BILL NO. 397

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

3

and

4

Conley of the House

5

6

7 An Act relating to schools; directing school district
8 boards of education and charter school and public
9 library governing boards to appoint certain committee
10 by certain date; requiring certain employee to be
11 included on committee; requiring certain inventory to
12 be completed by certain date; directing designation
13 of print and nonprint materials and media; directing
14 school districts and charter schools beginning on
15 certain date to only include certain materials and
16 media with certain designations in certain school
17 libraries; allowing students access to certain
18 materials and media only with certain written
19 consent; directing public libraries beginning on
20 certain date to place materials and media with
21 certain designation in certain section; allowing
22 certain individuals access to certain materials and
23 media only with certain written consent; prohibiting
24 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.

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

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23 AMENDMENT NO. 1. Page 1, Line 20, delete SECTION 1 in its entirety
24 and replace with a new SECTION 1 to read as
follows:

1 "SECTION 1. AMENDATORY Section 1, Chapter 106, O.S.L.
2 2022 (70 O.S. Supp. 2022, Section 11-201), is amended to read as
3 follows:

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

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

19 C. The Oklahoma Department of Libraries shall submit the
20 adopted procedures to the Speaker of the House of Representatives,
21 or a designee, and the President Pro Tempore of the Senate, or a
22 designee, prior to the last thirty (30) days of the legislative
23 session. By adoption of a joint resolution, the Legislature shall
24 approve the procedures, disapprove the procedures in whole or in

1 part, amend the procedures in whole or in part or disapprove the
2 procedures in whole or in part with instructions to the Oklahoma
3 Department of Libraries, provided that such joint resolution becomes
4 law in accordance with Section 11 of Article VI of the Oklahoma
5 Constitution. If the joint resolution is vetoed by the Governor in
6 accordance with Section 11 of Article VI of the Oklahoma
7 Constitution and the veto has not been overridden, the procedures
8 shall be deemed approved. If the Legislature fails to adopt a joint
9 resolution within thirty (30) legislative days following submission
10 of the procedures, the procedures shall be deemed approved.

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

19 E. Upon final approval of the procedures, the standards shall
20 be considered final agency rules. The Oklahoma Department of
21 Libraries shall submit a copy of the procedures to the Secretary of
22 State, who shall include the procedures in the publication known as
23 the "Oklahoma Administrative Code" in the same manner as agency
24 rules are published in the "Code" as provided for in the

1 Administrative Procedures Act. All procedures approved and
2 published as provided for in this subsection shall have the same
3 force and effect of law as agency rules promulgated pursuant to the
4 Administrative Procedures Act."

5 and renumber subsequent sections

6 and amend title to conform

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

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10 Presiding Officer of the House of
11 Representatives

12 Passed the Senate the ____ day of _____, 2023.

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15 Presiding Officer of the Senate
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codification; providing an effective date; and
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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

1 governing body shall appoint a committee to conduct an inventory of
2 print and nonprint materials and media located in their libraries.
3 A library media specialist employed by a school district or charter
4 school shall be included on the committee. The inventory shall be
5 completed by July 1, 2024. Print and nonprint materials and media
6 shall be designated with one of the following ratings:

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

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

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

22 4. "Juniors and seniors" means the content of the print or
23 nonprint material or media may include some material not suitable
24 for minors.

1 B. Beginning July 1, 2024, school districts and charter schools
2 shall:

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

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

10 3. Include only print and nonprint materials and media
11 designated as "elementary", "junior high", or "under 16" in junior
12 high school and high school libraries; and

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

20 C. Beginning July 1, 2024, public libraries shall place print
21 and nonprint materials and media designated as "juniors and seniors"
22 in a section of the library accessible only to library staff. Print
23 and nonprint materials and media designated as "juniors and seniors"
24 shall only be available to an individual under the age of eighteen

1 (18) if he or she has presented library staff with written consent
2 from a parent or legal guardian.

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

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

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

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

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2023.

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Presiding Officer of the House
of Representatives

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