

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2158

By: Kern

COMMITTEE SUBSTITUTE

An Act relating to libraries; prohibiting certain governing bodies or boards from expending funds for a public library unless certain action is taken and policies are in place; providing certain definition; prohibiting Oklahoma Department of Libraries Board from allocating certain state funds to a public library unless certain action is taken or policies are in place; prohibiting certain library boards or commission from expending funds for a public library unless certain action is taken or policies are in place; requiring public libraries to submit an annual report; stating contents of the report; directing public libraries to follow certain standards in developing certain policy; providing certain definition; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 31-109 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. A municipal governing body or its appointed library board shall not expend or authorize the expenditure of any funds available for the operation of a public library unless the library has taken action to place all children and young adult materials that contain homosexual or sexually explicit subject matter in a special area of the library which is separate and apart from the children and young adult sections of the library and the library has a policy in place to limit distribution of the material to adults only.

B. For purposes of this section, "sexually explicit subject matter" means content that describes or depicts sexual conduct as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-110 of Title 65, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Department of Libraries Board shall not grant or distribute any state funds that are allocated to libraries on a formula basis to any library, library district, or library system unless the library has taken action to place all children and young adult materials that contain homosexual or sexually explicit subject matter in a special area of the library which is separate and apart from the children and young adult sections of the library and the library has a policy in place to limit distribution of the material to adults only.

B. A library board or commission authorized pursuant to any provision of Title 65 of the Oklahoma Statutes shall not expend or authorize the expenditure of any funds available for the operation of a public library unless the library has taken action to place all children and young adult materials that contain homosexual or sexually explicit subject matter in a special area of the library which is separate and apart from the children and young adult sections of the library and the library has a policy in place to limit distribution of the material to adults only.

C. Each public library which receives funds as provided for in subsection A or B of this section shall annually submit to the Oklahoma Department of Libraries a written report outlining the actions taken by the library to place all children and young adult materials that contain homosexual or sexually explicit subject matter in an adult or special area of the library. The report shall also include a copy of the policy adopted by the library to limit distribution of the material to adults only.

D. Public libraries, in developing a policy to limit distribution of material as provided for in subsections A and B of this section, shall reflect the contemporary community standard of the community in which the library is located and shall ensure that the rights and decisions of the parent to control access to the restricted material for their child is upheld.

E. For purposes of this section, "sexually explicit subject matter" means content that describes or depicts sexual conduct as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2006.

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