

ENGROSSED HOUSE  
BILL NO. 2158

By: Kern, Calvey, Terrill,  
Duncan and DePue of the  
House

and

Aldridge of the Senate

( libraries - expending funds - action and policies -  
reimbursement - codification -  
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:

1. "Homosexual subject matter" means content that relates to  
the recruiting and advocating of same gender sexual relationships;  
and

2. "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 in specific and graphic detail so  
that a prurient interest in sex is promoted. Sexually explicit

subject matter shall not mean content that merely mentions or references sexual conduct.

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:

1. "Homosexual subject matter" means content that relates to the recruiting and advocating of same gender sexual relationships; and

2. "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 in specific and graphic detail so that a prurient interest in sex is promoted. Sexually explicit subject matter shall not mean content that merely mentions or references sexual conduct.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-111 of Title 65, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the State Library Material Content Advisory Board. The Advisory Board shall annually develop a recommended list of child and young adult materials that contain homosexual or sexually explicit subject matter, as defined in Section 2 of this act. The list shall be distributed by the Oklahoma Department of Libraries to every library, library district, and library system in the state.

B. The membership of the Advisory Board shall consist of:

1. The following members appointed by the Speaker of the Oklahoma House of Representatives:

- a. two members of the Oklahoma House of Representatives,
- b. two persons who are parents of children under the age of eighteen (18) who reside in the state, and

- c. two persons who are teachers in a public or private school located in the state; and

2. The following members appointed by the President Pro Tempore of the State Senate:

- a. two members of the State Senate,
- b. two persons who are parents of children under the age of eighteen (18) who reside in the state, and
- c. two persons who are teachers in a public or private school located in the state.

C. The terms of the appointed members shall be staggered. Two members initially appointed by the Speaker of the House of Representatives and two members initially appointed by the President Pro Tempore of the Senate shall expire after one (1) year, two members appointed by each shall expire after two (2) years, and two members appointed by each shall expire after three (3) years. After the initial appointments, all terms shall be for three (3) years. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the position was previously filled.

D. The chair and vice-chair of the Advisory Board shall be selected annually from the membership of the Board. Meetings shall be at the call of the chair or vice-chair.

E. Staffing assistance for the Advisory Board shall be provided by the Oklahoma Department of Libraries.

F. Members of the Advisory Board shall receive no compensation for serving on the Board but may receive travel reimbursement as follows:

1. Legislative members may be reimbursed for necessary travel expenses incurred in the performance of duties, in accordance with Section 456 of Title 74 of the Oklahoma Statutes, from the legislative body in which they serve; and

2. Other members may be reimbursed for necessary travel expenses incurred in the performance of duties by the respective

appointing authorities in accordance with the State Travel  
Reimbursement Act.

SECTION 4. This act shall become effective November 1, 2006.

Passed the House of Representatives the 15th day of March, 2006.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2006.

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Presiding Officer of the Senate