

CONFERENCE COMMITTEE REPORT

SB 7

2023 Regular Session

Cloud

June 7, 2023

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 7 by Senator Cloud, recommend the following concerning the Re-Reengrossed bill:

1. That House Floor Amendments Nos. 1, 2, and 3 proposed by Representative Magee (HFASB7 3391 3517) and adopted by the House of Representatives on June 5, 2023 be adopted.
2. That House Floor Amendment Nos. 4, 5, 6, 7, 8, and 9 proposed by Representative Magee (HFASB7 3391 3517) and adopted by the House of Representatives on June 5, 2023, be rejected.
3. That House Floor Amendment No. 1 proposed by Representative DuBuisson (HFASB7 224 4070) and adopted by the House of Representatives on June 5, 2023, be rejected.
4. That the following amendments to the Re-Reengrossed be adopted:

AMENDMENT NO. 1

On page 3, at the beginning of line 4, delete "**and implement**"

AMENDMENT NO. 2

On page 3, at the end of line 5, insert "**No later than June 1, 2024, each library shall implement the adopted policy.**"

Respectfully submitted,

Senators:

Representatives:

Senator Heather Cloud

Representative Julie Emerson

Senator Cleo Fields

Representative Lance Harris

Senator Mark Abraham

Representative Tanner D. Magee

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

LIBRARIES. Provides relative to access to certain materials in public libraries. (8/1/23)

Report adopts House amendments to:

1. Require a "library patron" to reside in the parish where the library is located and be of the age of majority.
2. Allow the governing authority to acquire material to implement the card system without any limitations.

Report rejects House amendments which would have:

1. Established a review process that would have been triggered by no fewer than ten nor more than twenty library patrons.
2. Changed the policy's adoption and implementation date from January 1, 2024, to January 1, 2025.

Report amends the bill to:

1. Require each library to adopt a policy to limit the access of minors to sexually explicit material no later than January 1, 2024, and the adopted policy must be implemented by June 1, 2024.

Digest of the bill as proposed by the Conference Committee

Present law provides for the establishment of libraries by parishes and municipalities.

Proposed law defines "digital content", "library patron", "sexual conduct", and "sexually explicit material".

Proposed law requires that by January 1, 2024, each library established in accordance with present law or pursuant to a home rule charter shall adopt and implement a policy to limit the access of minors to sexually explicit material. Further provides that the adopted policy must be implemented by June 1, 2024.

Proposed law requires the policy to include, at a minimum, the following:

- (1) A requirement that community standards for the population served by the library be considered when acquiring library material that would be accessible to minors through donation or purchase. Specify that nothing in proposed law shall limit the acquisition of material by a library that implements the system provided for in proposed law.
- (2) A library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out sexually explicit material physically available in the library. This may be accomplished by either:
 - (a) A library card that restricts a minor from checking out any library material in a collection that the library board of control has, through majority vote in an open meeting, identified as containing sexually explicit material pursuant to a request for reconsideration.

- (b) A library card that restricts a minor from checking out any library material that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.
- (3) A library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out digital content. The library is required to list in the library's policy each digital content source accessible by a minor that contains library material acceptable for checkout that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.
- (4) A procedure that allows library patrons to request the reconsideration of whether a library material should be included in a library collection accessible to minors. The procedure shall include, at a minimum, the following:
 - (a) A process to review a reconsideration request. This process shall include but is not limited to a written determination approving or denying the request, a process to notify the library patrons making the request of the written determination, and the process to appeal the determination to the library board of control.
 - (b) A requirement that a request for reconsideration of a library material that may include sexually explicit material be reviewed by the library board of control.

Proposed law provides for immunity of employees and agents of the library or a member of the library board of control.

Proposed law allows a parish or municipality governing authority to withhold payments for maintenance costs and other expenses from a library that fails to adopt and implement the policy required by proposed law.

Proposed law requires the governing authority to provide 60 days written notice to the library board of control prior to withholding any payments pursuant to proposed law.

Proposed law prohibits the bond commission from considering any application authorizing the incurrence of debt or any application authorizing the levy of any tax where the proceeds of the debt or tax directly benefit any library that fails to adopt and implement the policy required by proposed law until the library adopts and implements the policy required by proposed law.

Effective August 1, 2023.

(Adds R.S. 25:225)