

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0245-01
Bill No.: SB 51
Subject: Libraries and Archives
Type: Original
Date: January 26, 2011

Bill Summary: Requires public libraries to adopt policies on the placement of books and other materials that are obscene or pornographic for minors.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	(unknown)	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State - Missouri State Library (SOS)** assume that under this bill, the Missouri State Library would be required to track compliance with this law, including creating forms to certify compliance and additional work to collect “complaint” statistics. The Missouri’s public libraries already have collection development policies in place that deal with citizen complaints regarding the selection and placement of library materials. Under this bill, libraries would be required at a minimum to purchase signs. SOS assumes an unknown cost to Missouri public library districts.

Officials at the **Missouri State University** assume minimal costs for signs, posting policy, and providing/recording copies of policy with city or county.

Officials from the **County of St. Louis** assume the following costs:

Conduct a survey to determine contemporary community standards	\$28,000 to \$30,000
Legal fees to develop written Board policy	\$ 6,000 to \$10,000
Legal fees to defend “First Amendment” challenge	\$55,000 to \$60,000
Construction costs to build separate rooms to restrict access by minors (\$50,000 - \$60,000 X 20 branches)	\$1,000,000 to \$1,200,000
Personnel cost to examine existing collection and new materials purchased annually (1,900,000 plus books in collection, 250,000 plus books processed annually)	<u>\$9,000,000 to \$10,000,000</u>
TOTAL ANNUAL COSTS	<u>\$10,089,000 to \$11,300,000</u>

Oversight assumes the legislation requires at a minimum the posting of a sign. Oversight has reflected an unknown cost for the purchase of a sign. Oversight assumes that should a library choose to move the books as suggested in the legislation then additional costs could be incurred.

Officials at the **City of Kansas City, Cass County, University of Missouri, Linn State Technical College, City of Richmond, Missouri Western State University, Truman State University, Metropolitan Community College, Missouri Southern State University, Lincoln University, Northwest Missouri State University, City of Raytown, East Central College, Harris-Stowe State University and University of Central Missouri** assume that there is no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
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LOCAL LIBRARY FUNDS

<u>Cost - Library Funds</u>			
-purchase a sign	<u>(unknown)</u>	<u>\$0</u>	<u>\$0</u>

ESTIMATED NET EFFECT ON LOCAL LIBRARY FUNDS	<u>(unknown)</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act requires public libraries, by January 1, 2012, to adopt written policies, consistent with contemporary community standards, on the placement of books and other materials to restrict minors from gaining access to material that is obscene or pornographic for minors. Exempted books and materials include those in collections that require the written permission of a parent or guardian of an unemancipated minor. Policies must also contain procedures for members of the public to challenge the placement of such books and other materials and provide comments and guidance on the library policies.

As an alternative, any library that does not adopt written policies must prominently display a statement that the library may contain uncensored materials that may be objectionable and offensive to minors.

Libraries must include in their annual report the number of complaints about placement of books and their resolution. Library policies must be recorded with the city or county and made available to the public at the library and city or county government office.

FISCAL DESCRIPTION (continued)

A library board member, officer, or employee who violates this section is subject to a misdemeanor.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State
-Missouri State Library
City of Kansas City
City of Raytown
City of Richmond
Cass County
St. Louis County
East Central College
Lincoln University
Linn State Technical College
Metropolitan Community College
Missouri Southern State University
Missouri State University
Missouri Western State University
Northwest Missouri State University
Truman State University
University of Central Missouri
University of Missouri
Harris-Stowe State University

NOT RESPONDING

Counties of: Andrew, Barry, Bates, Boone, Buchanan, Butler, Callaway, Camden, Cape Girardeau, Carroll, Clay, Cole, Cooper, DeKalb, Franklin, Greene, Hickory, Holt, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lincoln, Marion, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Pemiscot, Perry, Phelps, Platte, Pulaski, Scott, St. Charles, St. Francois, Taney, Texas, Warren, Webster

NOT RESPONDING (continued)

Cities of: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Columbia, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Kirksville, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Linn, Louisiana, Maryland Heights, Maryville, Mexico, Neosho, O'Fallon, Pacific, Peculiar, Popular Bluff, Republic, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring, West Plains

Colleges of: Crowder College, Jefferson College, Moberly Area Community College, Southeast Missouri State University, State Fair Community College, St. Charles Community College, Three Rivers Community College



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