

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0511-02
Bill No.: SB 450
Subject: Libraries and Archives
Type: Original
Date: April 23, 2009

Bill Summary: This proposal 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 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	(\$10,125 to Unknown)	(\$5,000 to Unknown)	(\$5,000 to Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State's State Library** assume that libraries will choose the option to post a sign, the estimated cost would be \$10,125 the first year for 405 Missouri library buildings, at an average cost of \$25. Libraries choosing to segregate materials deemed to be "obscene and pornographic for minors" will incur much greater costs of additional shelving, construction and staff time to house and retrieve the material. Several public libraries indicated an expected increase in attorney's fees to handle the First Amendment challenges they anticipate would arise.

Officials at the **Office of the Secretary of State's State Archives, Metropolitan Community College, City of Kansas City, City of Centralia, Missouri Southern State University, Linn State Technical College, Missouri Western State University, University of Central Missouri, Lincoln University** and the **University of Missouri** assume that there is no fiscal impact from this proposal.

Officials at the **Clinton County** assume it will cost time to sort the books.

Officials at the **Missouri State University** assume minimal costs for signs and posting policy.

Officials at the **St. Louis County Library** assume the following costs:

Cost for survey to determine contemporary community standards: \$28,000

Legal fees associated with the development of the required written policies: \$7,000

Legal fees to defend against a First Amendment challenge: \$55,000

Personnel cost to examine existing items in the collection to compare to community standards: \$9,225,000

Construction cost to build rooms at our 20 locations to restrict minors' access to materials in the collection that do not meet community standards: \$1,363,000

Total cost \$10,678,000.

Oversight assumes that the local libraries will have costs for the placement of the sign and the creation of the segregated shelving. Oversight has shown the sign cost to unknown for the shelves and legal fees.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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LOCAL LIBRARY FUNDS

Cost - Local Libraries

cost of signs and policy creation	<u>(\$10,125 to Unknown)</u>	<u>(\$5,000 to Unknown)</u>	<u>(\$5,000 to Unknown)</u>
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**ESTIMATED NET EFFECT ON
LOCAL LIBRARY FUNDS**

<u>(\$10,125 to Unknown)</u>	<u>(\$5,000 to Unknown)</u>	<u>(\$5,000 to Unknown)</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, 2010, 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 un-emancipated 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.

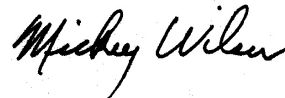
FISCAL DESCRIPTION (continued)

A violation of 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

Metropolitan Community College
City of Kansas City
Missouri State University
City of Centralia
Missouri Southern State University
Linn State Technical College
Missouri Western State University
University of Central Missouri
Lincoln University
St. Louis County Library
Office of the Secretary of State
 State Archives
 State Library
University of Missouri
Clinton County



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