

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4634-01
Bill No.: HB 2044
Subject: Libraries and Archives; Boards, Commissions, Committees, and Councils
Type: Original
Date: February 5, 2020

Bill Summary: This proposal establishes the “Parental Oversight of Public Libraries Act”.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Officials from the **Office of Prosecution Services** assume the proposal will have no measurable fiscal impact on their organization. The enactment of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

Officials from the **Department of Public Safety-Office of the Director, Attorney General's Office, Office of the State Public Defender, Office of State Courts Administrator, and Department of Public Safety-Missouri State Highway Patrol** each assume the proposal will have no fiscal impact on their organization.

Officials from the **City of Brentwood** state the Brentwood Public Library is a complete separate governmental entity, they would bear the cost of complying with HB 2044. A regular general municipal election (2019) cost approximately \$6,000. If one were to add the cost to place notices in a widely read publication, mailers and postcards to all eligible voters and the development of education material the cost could add another \$3,000. Total \$9,000.

Officials from the **City of Kansas City** assume the proposal will have no fiscal impact on their organization.

ASSUMPTION (continued)

Oversight assumes there is a potential cost to political subdivisions (public libraries) as a result of this proposal. The proposal requires notification to qualified voters in the library’s geographical location that an election for the parental library review board will be conducted. Oversight has no way to determine how many qualified voters are in a given “geographical location”; therefore, Oversight will reflect an unknown cost on the fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
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POLITICAL SUBDIVISIONS

<u>Cost - Public libraries requirement to notified qualified voters of election of parental board.</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(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 bill establishes a parental library review board, to be composed of five residents of a public library's geographical area elected at a regularly-convened hearing of the municipality or county that contains the majority of the library's geographical area.

The board will determine whether any sexual material provided to the public is age-inappropriate sexual material as defined in the bill. The procedure by which the board makes the determination is set out in the bill. If any material is determined to be age inappropriate sexual material it will be removed from access by minors. Such determination is not subject to review by any

FISCAL DESCRIPTION (continued)

governing body of the library, the state, or any political subdivision thereof, but judicial review is not prohibited.

This bill prohibits a public library from receiving state funding if it allows minors to access age-inappropriate sexual materials.

Any public library personnel who willfully neglects or refuses to perform any duty imposed on a library under this bill will be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year.

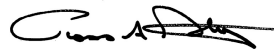
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State
Office of State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services
Attorney General's Office
Department of Public Safety-Office of the Director
Department of Public Safety-Missouri State Highway Patrol
City of Brentwood
City of Kansas City



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February 5, 2020



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