

SECOND REGULAR SESSION

HOUSE BILL NO. 2044

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

4634H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 181.060, RSMo, and to enact in lieu thereof two new sections relating to parental oversight of public libraries, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 181.060, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 181.060 and 182.821, to read as follows:

181.060. 1. The general assembly may appropriate moneys for state aid to public libraries, which moneys shall be administered by the state librarian, and distributed as specified in rules and regulations promulgated by the Missouri state library, and approved by the secretary of state.

2. At least fifty percent of the moneys appropriated for state aid to public libraries shall be apportioned to all public libraries established and maintained under the provisions of the library laws or other laws of the state relating to libraries. The allocation of the moneys shall be based on an equal per capita rate for the population of each city, village, town, township, urban public library district, county or consolidated library district in which any library is or may be established, in proportion to the population according to the latest federal census of the cities, villages, towns, townships, school districts, county or regional library districts maintaining public libraries primarily supported by public funds which are designed to serve the general public. No grant shall be made to any public library which is tax supported if the rate of tax levied or the appropriation for the library should be decreased below the rate in force on December 31, 1946, or on the date of its establishment. Grants shall be made to any public library if a public library tax of at least ten cents per one hundred dollars assessed valuation has been voted in accordance with sections 182.010 to 182.460 or as authorized in section 137.030 and is duly assessed and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 levied for the year preceding that in which the grant is made, or if the appropriation for the public
19 library in any city of first class yields one dollar or more per capita for the previous year
20 according to the population of the latest federal census or if the amount provided by the city for
21 the public library, in any other city in which the library is not supported by a library tax, is at
22 least equal to the amount of revenue which would be realized by a tax of ten cents per one
23 hundred dollars assessed valuation if the library had been tax supported. Except that, no grant
24 under this section shall be affected because of a reduction in the rate of levy which is required
25 by the provisions of section 137.073 or because of a voluntary reduction in the levy following
26 the enactment of a district sales tax under section 182.802, if the proceeds from the sales tax
27 equal or exceed the reduction in revenue from the levy.

28 3. The librarian of the library together with the treasurer of the library or the treasurer
29 of the city if there is no library treasurer shall certify to the state librarian the annual tax income
30 and rate of tax or the appropriation for the library on the date of the enactment of this law, and
31 of the current year, and each year thereafter, and the state librarian shall certify to the
32 commissioner of administration the amount to be paid to each library.

33 4. The balance of the moneys shall be administered and supervised by the state librarian
34 who may provide grants to public libraries for:

35 (1) Establishment, on a population basis to newly established city, county city/county
36 or consolidated libraries;

37 (2) Equalization to city/county, urban public, county or consolidated libraries;

38 (3) Reciprocal borrowing;

39 (4) Technological development;

40 (5) Interlibrary cooperation;

41 (6) Literacy programs; and

42 (7) Other library projects or programs that may be determined by the local library, library
43 advisory committee and the state library staff that would improve access to library services by
44 the residents of this state. Newly established libraries shall certify through the legally established
45 board or the governing body of the city supporting the library and the librarian of the library to
46 the state librarian the fact of establishment, the rate of tax, the assessed valuation of the library
47 district and the annual tax yield of the library. The state librarian shall then certify to the
48 commissioner of administration the amount of establishment grant to be paid to the libraries and
49 warrants shall be issued for the amount allocated and approved. The sum appropriated for state
50 aid to public libraries shall be separate and apart from any and all appropriations made to the
51 state library.

52 **5. No public library shall receive any state aid under this section if such library**
53 **allows minors to access age-inappropriate sexual materials in violation of section 182.821.**

182.821. 1. This section shall be known and may be cited as the "Parental Oversight of Public Libraries Act".

2. As used in this section, the following terms mean:

(1) "Age-inappropriate sexual material", any description or representation, in any form, of nudity, sexuality, sexual conduct, sexual excitement, or sadomasochistic abuse, that:

(a) Taken as a whole, appeals to the prurient interest of minors;

(b) Is patently offensive to prevailing standards in the adult community with respect to what is appropriate material for minors; and

(c) Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(2) "Geographical area", any village, town, city, county, library district, or other area with established boundaries in which a library is established or for which a library is established to provide library services;

(3) "Public library", any library that receives state aid under section 181.060 and that provides public access to age-inappropriate sexual material.

3. Each public library shall establish a parental library review board as provided in this subsection.

(1) At least thirty calendar days before the election of a board under this subsection, the governing body of the public library shall notify all qualified voters residing within the library's geographical area that an election for members of the library's parental library review board will be held at a regularly convened hearing of the village, town, city, or county in which the majority of the library's geographical area lies. At such hearing, the qualified voters present shall elect the members of the board by a majority vote. The five individuals receiving the highest number of votes cast by the qualified voters present shall be members of the board.

(2) The board shall be composed of five adult residents of the public library's geographical area. Each board member shall serve a term of two years. Any vacancy shall be filled in the same manner in which the member was initially elected, except that if a member vacates the office before the end of the member's term, the vacancy shall be filled for the remainder of the unexpired term only. No member of the board shall receive any compensation for any actions related to fulfilling board duties. No member of the board shall be an employee of the library, the state, or any political subdivision thereof.

(3) (a) The board shall determine whether any sexual material provided to the public by the public library is age-inappropriate sexual material. To make such determinations, the board shall convene public hearings at which members of the

37 community may present concerns to the board. After receiving comments from the public,
38 the board shall examine individual instances of the questioned sexual material to determine
39 whether it is age-inappropriate sexual material under this section.

40 (b) The board may order any material deemed to be age-inappropriate sexual
41 material to be removed from public access by minors at the public library.

42 (c) Any such determination or order made by the board shall be the final
43 determination or order on such materials, and shall not be subject to any review by the
44 governing body of the public library, the state, or any political subdivision thereof. This
45 subdivision shall not be construed to prohibit judicial review of any determination or order
46 made by the board under this section.

47 4. Each public library shall, on or before June thirtieth of each year, verify
48 compliance with this section on any form created by the board. After such compliance is
49 verified, the library shall post the verification in a conspicuous place for public viewing at
50 the library.

51 5. Any public library personnel who willfully neglects or refuses to perform any
52 duty imposed on a public library under this section, or who willfully violates any provision
53 of this section, is guilty of a misdemeanor and on conviction shall be punished by a fine of
54 not more than five hundred dollars or by imprisonment in the county jail not to exceed one
55 year.

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