

**Rock Hill Public Library
Board of Trustees Special Meeting Minutes
October 25, 2022**

Attendees:

In-Person: Chantal Hoffsten, Laurie Murphy, Patrick Long, Erin Phelps

Zoom: Karen Park, Ryan Shortal, Diane Madras

Absent: Stephanie Van Stee, Veronica Crowe

Meeting called to order at 6:23 p.m. Roll call and introductions.

Erin presented to the Board the Missouri Secretary of State's proposed Rule 15 CSR 30-200.15 Library Certification Requirements for the Protection of Minors (attached below). Erin explained that the first notice the public received about this proposed rule was on a small podcast on October 17. The following day, the State Librarian Robin Westfall called a Zoom meeting to briefly discuss the new rule proposal.

Erin noted that this new rule seeks to impose restrictions around what minors can access in public libraries by controlling when and how the State Librarian distributes state funding, rather than through legislation as with SB775. Under the proposed rule, public libraries must create and submit written policies for approval that prohibit minors from accessing material or attending programs that contain "age-inappropriate" or "prurient" content. The rule also requires public libraries to allow anyone to challenge any material, display or program.

While the library relies primarily on tax revenue for its operation, Erin pointed out that the library also receives approximately \$3,000 plus each in year in funding from the State Librarian via State Aid, the Athletes and Entertainment Tax, grants funds, and subsidies for MOREnet. Public libraries must meet the proposed rule's requirements in order to be eligible to receive this state funding. A public comment period will open on November 15, during which time the public will have 30 days to submit comments or concerns. Erin noted that the Secretary of State's office must respond to every reasonable public comment or concern.

The Board expressed concern about the vagueness of the requirements in the proposed rule and their practicality. Patrick asked about the difference between the public and private cost estimates contained in the proposed rule. Erin pointed out that the costs will likely be much higher than the \$500 in aggregate the rule proposes. Karen stated that that even if the library complied with the proposed rule, the enforcement of such written policies would be logistically challenging and costly. Erin noted that the State Librarian has been somewhat vague on how the rule would be enforced, indicating that the State Library does not currently plan to audit a library's written policies or ensure that they are enforced.

Chantal pointed out that the proposed rule does not explain who will be adjudicating the rule-certification process, and what criteria the State Librarian must use when certifying a library's written policies. Laurie also expressed concern that the rule's definition of a minor as anyone age 17 or younger would make the policies burdensome for libraries to enforce. Erin also noted

that library displays and programs are included in the proposed rule, which creates issues for smaller libraries like RHPL with limited space and a smaller layout.

The Board agreed that RHPL should submit a public comment. Erin shared that the Missouri Library Directors were scheduled to meet with the ACLU last week. Other organizations such as the MLA and the Missouri Association of School Libraries have already made statements opposing the proposed rule. Chantal offered to put Erin in touch with Marilyn McLeod, the League of Women Voters of Missouri president, who was once a library director in Columbia. Diane suggested that the Board draft a letter to the Webster Kirkwood Times expressing our opinion and providing readers with information on when and how to submit a public comment. Ryan exited the meeting 6:57 p.m.

Karen asked about the advertising/marketing budget, and Erin confirmed that the library has a small amount available. Patrick suggested reaching out to local TV stations, and Chantal suggested St. Louis Public Radio. Erin will share the MLA's recent statement with the Board. Chantal also suggested that the library use social media to raise public awareness about censorship. The Board agreed the letter to the WKT should be submitted in time for their November 18 issue. Erin will verify the submission deadline for letters to the editor. Chantal, Ryan, and Patrick agreed to work on a draft of the letter.

Laurie asked Erin how the staff is reacting to the proposed rule. Erin reported that they are disheartened and question its practicality. Laurie requested that the proposed rule be the first agenda item under Old Business on the November 14 meeting agenda.

Laurie moved to adjourn. Diane seconded. Motion passed unanimously. Meeting adjourned at 7:18 p.m.

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**Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 200 – State Library**

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RULE

15 CSR 30-200.015 Library Certification Requirement for the Protection of Minors

PURPOSE: For the protection of minors defined in 15 CSR 30-200.030(1)(E), this rule establishes a certification requirement for any library defined in 15 CSR 30-200.010 that receives funds pursuant to 15 CSR 30-200.020 and 15 CSR 30-200.025.

(1) Notwithstanding any provision of 15 CSR 30-200.020 and 15 CSR 30-200.025 to the contrary, the state librarian shall not distribute any funds to any library defined in 15 CSR 30-200.010 that receives funds pursuant to 15 CSR 30-200.020 and 15 CSR 30-200.025 unless such library certifies in writing each of the following:

(A) The library has or will adopt a written, publicly-accessible collection development policy addressing how selections are made in considering the appropriateness for the age and maturity level of any minor, as defined in 15 CSR 30-200.030(1)(E), who accesses any material in any form;

(B) No funds received shall be used to purchase or acquire materials in any form that appeal to the prurient interest of any minor;

(C) The library has or will adopt a written, publicly-accessible policy allowing any minor's parent or guardian to determine what materials and access will be available to a minor, and no person employed by or acting on behalf of the library shall knowingly grant access to any minor any material in any form not approved by the minor's parent or guardian;

(D) No age-inappropriate materials in any form, as defined in the library's collection development policy, shall be knowingly displayed in the library in areas designated by the library as containing materials predominantly for minors;

(E) No event or presentation shall be held at the library without an age-appropriate designation affixed to any publication, website, or advertisement for such event or presentation; and

(F) The library has or will adopt a written, publicly-accessible library materials challenge policy by which any person may dispute or challenge the library's age-appropriate designation affixed to any presentation, event, material, or display in the library, and the results of any such dispute or challenge shall be disclosed to the public and published on the library's website.

(2) The library shall submit a copy of its written policies to the state librarian, and shall submit, within thirty (30) days, any revisions to such policies to the state librarian.

AUTHORITY: sections 181.021, 181.060, and 182.812, RSMo 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivision more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Missouri Secretary of State, P.O. Box 1767, Jefferson City, MO 65102 or by email to comments@sos.mo.gov with the proposed rule number (i.e., 15 CSR 30-200.015) in the subject line. To be considered, all comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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By JCAR at 11:14 am, Oct 14, 2022