

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2735-09  
Bill No.: HCS for SB 870  
Subject: Roads and Highways; Business and Commerce; Transportation Dept  
Type: Original  
Date: April 28, 2004

---

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Highway Funds	(Unknown)*	(Unknown)*	(Unknown)*
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Unknown)*</b>	<b>(Unknown)*</b>	<b>(Unknown)*</b>

**\*Expected to be less than \$100,000**

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Office of State Courts Administrator** stated there would be no fiscal impact on the Courts.

Officials from the **Department of Public Safety – Missouri State Highway Patrol, Department of Revenue, Department of Economic Development – Division of Tourism** stated there would be no fiscal impact on their agencies.

Officials from the **Department of Transportation (MoDOT)** assume that since this proposal covers enforcement of an area within one mile of all state highways and is not limited to 660 feet of the right-of-way of interstate/primary highways (current statute), the increased area for billboard control will have a fiscal impact on MoDOT. MoDOT stated that two additional outdoor advertising specialists and related work equipment would be required to undertake a larger enforcement area, but **Oversight** assumes costs related to additional billboard control would be limited to enforcement of the specialty signs stipulated within this act and would be less than \$100,000/yr.

Officials from the **Attorney General's Office (AGO)** assume that its office is required to represent the state in all actions pursuant to this act. AGO anticipates that businesses will challenge the applicability of the law, and may introduce constitutional questions into litigation. AGO assumes it will require on new Assistant Attorney General III to handle litigation in the

ASSUMPTION (continued)

first year of the bill's effectiveness, and that existing resources can absorb additional costs in years thereafter. **Oversight** assumes that the volume of litigation related to this act is unknown and because enforcement of the act upon existing billboards will be delayed for three years, litigation can be handled by existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
<u>Highway Funds</u>	(Unknown)*	(Unknown)*	(Unknown)*
<b>EXPECTED NET EFFECT ON HIGHWAY FUNDS</b>	<b><u>(Unknown)*</u></b>	<b><u>(Unknown)*</u></b>	<b><u>(Unknown)*</u></b>
<b>*Expected to be Less than \$100,000</b>			
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

Small businesses operating an adult cabaret or sexually-oriented business could have a negative fiscal impact as a result of this proposal.

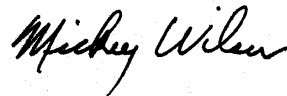
## DESCRIPTION

This proposal prohibits adult cabaret or sexually- oriented billboards from being located within one mile of a state highway. This prohibition will not apply if the business is located within one mile of the highway. If the adult cabaret or sexually-oriented business is located within one mile of the state highway, then the business can display a maximum of two exterior signs on the premises of the business. The signs are limited to the purpose of conveying identification and providing notice that the premises are off limits to minors. The identification sign is limited to 40 square feet and can only convey the name, address, telephone number and operating hours of the business. Signs existing before the date of adoption of this act do not have to comply for a period of three years from August 28, 2004. Business owners who violate this act are guilty of a Class C misdemeanor. This legislation states that the Attorney General shall represent the state in all actions and proceedings arising from this act.

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

Department of Transportation  
Attorney General's Office  
Office of State Courts Administrator  
Department of Public Safety  
Missouri State Highway Patrol  
Department of Revenue  
Department of Economic Development  
Division of Tourism



Mickey Wilson, CPA  
Director  
April 28, 2004