New Tennessee Public Library Laws - 2017
presented by Lynette Sloan

Tennessee State Library and Archives
Secretary of State Trent Hargett
September 2017

Disclosure

• The regional library directors and state library staff are in the audience today to act as my “team” to help answer your questions.
• We are not lawyers, but we have been working with legal counsel and legislators during the public library laws revision process.

The Road to a New Library Law
Task Force members represented public libraries across the state, and was co-chaired by two regional directors.
The Task Force submitted recommendations to the State Librarian & Archivist.
Recommendations were reviewed by
• All regional library and metro library directors
• Tennessee Advisory Council on Libraries
• The Tennessee Secretary of State and his legal counsel
• The Tennessee Attorney General

9/13/2017
The Road to a New Library Law

Filed as House Bill 0530 by Bob Ramsey on 2/7/2017
Filed as Senate Bill 0710 by Rusty Crowe on 2/8/2017
Passed unanimously in both the Senate and House of Representatives
Given the designation of Public Act 126 of the 110 General Assembly on 4/17/2017
New revisions became effective July 1, 2017

PUBLIC LIBRARY DEFINITION

What does the phrase "Public Library" mean?
A non-profit library that is accessible by the general public
and is funded in whole or in part by public funds (such as taxes).

Public libraries share 5 basic characteristics:
  • Supported by taxes
  • Governed by a library board of private citizens
  • Open to all and every community member can access the collection
  • Entirely voluntary in that no one is ever forced to use the services provided
  • They provide basic services without charge

IN TENNESSEE...

  • Libraries receiving any level of government funds [taxpayer dollars] must comply with federal, state, and local laws.
  • Libraries are accountable to the governments and the citizens they represent for the use of taxpayer dollars.
GROUND RULES FOR TODAY

- In order to protect the privacy of patrons, trustees and library staff, let's try to not include specific information in our statements and questions today.

- Because of our limited time today, if you do have a specific question that is not addressed or we do not get to, please feel free to write your question on the evaluation sheet, and add your name and contact information so that we can respond to you privately.

LOCAL PUBLIC LIBRARIES

TCA TITLE 10-3-103 (A) (1)

Number of board members; makeup of board

- "(a) (1) ...establishes an independent free library of its own, it shall appoint a board of seven (7), nine (9), or eleven (11) members. Not more than one (1) official each of the county and of the city governing bodies shall serve on the board...."
TCA TITLE 10-3-103 (A) (1)

Service Terms
- "(a) (1) ... The members shall serve without salary, ... members shall be appointed by the county and city legislative bodies... All successors shall serve for terms of three (3) years. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service."

TCA TITLE 10-3-103 (C)

Advisory boards for populations over 400,000 permitted
- "(c) A county or city having a population of more than four hundred thousand (400,000) may, by a two-thirds (2/3) majority vote of its legislative body, vest supervisory authority over the public library system with the mayor. The mayor in the county or city shall exercise all powers which would otherwise be exercised by the library board pursuant to § 10-3-104. A library board shall be retained in the county or city in accordance with this section, but shall serve in an advisory capacity to the county or city mayor, as applicable."

TCA TITLE 10-3-104

Name change to encompass various titles
- "... The board has the authority to direct all the affairs of the library, including the authority to appoint a library administrator [previously library director]. The administrator shall direct the internal affairs of the library, including hiring and directing such assistants or employees as may be necessary."
TCA TITLE 10-3-104

Budgetary control
• "... The library board shall have line-item control of the budgeting and expenditure of all moneys collected, donated or appropriated for the library fund, and may set aside for future use any unencumbered funds remaining in the general fund or any other funds of the library at the end of the fiscal year."

TCA TITLE 10-3-104

Cautionary Note
• "... The library board shall have line-item control of the budgeting and expenditure of all moneys collected, donated or appropriated for the library fund, and may set aside for future use any unencumbered funds remaining in the general fund or any other funds of the library at the end of the fiscal year."

• Will be revisited next legislative year; does not conform to Governmental Accounting Standards Board [GASB].

TCA TITLE 10-3-106 (b)

• "(a) All county or city tax funds for library purposes, raised by bonds or taxation, shall be held by the county or city treasurer separate from other funds.

Deleted Section
• (b) DELETED – [The law stating that two board members must sign purchase orders has been deleted.]

• (c) All library accounts of every character shall be audited annually by or under the county legislative body or city governing body.
TCA Title 10-5-102 (b)  
Regional board terms  
- "(b) Members shall be elected for no more than two (2) successive terms and may be reappointed after a minimum three-year break in service...[possibility of a third term has been deleted]."  

TCA Title 10-5-103  
Regional board duties  
- A regional library board has the following duties and functions:  
  - (1) Review and concur in the appointment of the chief administrative officer of the regional library program within its region;  
  - (2) Review and submit to the secretary of state recommendations on the annual program...  
  - (3) Review the activities performed in carrying out the annual program and submit comments and recommendations to the secretary of state..."
TCA Title 40-39-216 (A, B)

Sex Offender Monitoring

"(a) Public library boards shall have the authority to reasonably restrict the access of any person listed on the sexual offender registry. Such authority may be delegated by the board to a library administrator."
**QUESTIONS AND ANSWERS**

○ Q 2: Do 501(c)3 libraries have to follow these laws or revised laws?

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**QUESTIONS AND ANSWERS**

○ Q 3: We are a small community and will have trouble finding new board members on such a regular basis. Many of our board members have been in place more than 10 years. How are we going to find new board members?

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**QUESTIONS AND ANSWERS**

○ Q 4: Can city or county commissioners serve more than two terms on the library board?
QUESTIONS AND ANSWERS

- Q 5: My board is not willing to set up a rotation cycle for board members (or is an advisory board and doesn’t see the need to become a governing board) so they are talking about leaving the regional system.

THE BIG QUESTION

- What will happen if we don’t comply with the law? Why should we comply with the law?

IF YOU HAVE OTHER SPECIFIC QUESTIONS

Please contact:
- Your regional library director
- Lynette Sloan, Director of Regional Libraries, lynette.sloan@tn.gov, 615-532-4629
- Charles (Chuck) A. Sherrill, State Librarian and Archivist, chuck.sherrill@tn.gov, 615-741-7596