

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**HB 2721 - SB 2896**

February 25, 2020

**SUMMARY OF BILL:** Requires certain public libraries to establish a Parental Library Review Board (PLRB) to determine if certain material available within the library is age-inappropriate material for minors. Establishes penalties for any library or library personnel who violate an order of the PLRB.

**ESTIMATED FISCAL IMPACT:**

On February 21, 2020, a fiscal note was issued for this legislation estimating a fiscal impact as follows:

*Increase Local Expenditures – \$21,000/FY20-21 and Every Two Years Thereafter\**

Based on new information received from the Secretary of State and in order to correct a calculation error, the estimated fiscal impact has been corrected as follows:

**(CORRECTED)**

**Increase Local Expenditures – \$22,900/FY20-21 and Every Two Years Thereafter\***

Corrected assumptions:

- The proposed language is applicable to free public libraries created by local governments and establishes the following requirements for PLRBs:
  - Be composed of five adult members who reside within the library’s geographical area and are not employed by the library, or any facet of state or local government;
  - The public library is required to send notice to every qualified voter within the library’s geographical area of the election;
  - Elections are conducted at a regularly scheduled meeting of the applicable county or municipal legislative body; and
  - Terms are two years and members are not compensated for service on the PLRB.
- This analysis assumes:
  - Each public library will notify all voters within their geographical area through one newspaper publication; and
  - One newspaper notification will be published every two years, upon termination of Board member terms, to notify such voters of the next election.

- The proposed language establishes the following penalties for noncompliance with an order of the PLRB:
  - A public library who allows minors to have access to material that is deemed age-inappropriate by the PLRB, is deemed ineligible to receive state funds;
  - A library employee who intentionally violates an order by the PLRB commits a Class A misdemeanor and is subject to imprisonment for a term not greater than 11 months and 29 days, a fine not to exceed \$500, or both.
- Based on information provided by the Secretary of State there are currently 201 legally established library systems statewide. Libraries are eligible to receive state funding through grants; however libraries do not automatically receive an appropriated amount of state funding. It is assumed that libraries will comply with the orders of a PLRB in order to retain eligibility for such grants.
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is \$114.
- The proposed language will result in a mandatory, recurring increase in local expenditures estimated to be \$22,914 (\$114 per notification x 201 libraries) beginning in FY20-21 and occurring every two years thereafter.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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