

Senate Bill 390

By: Senators Walker III of the 20th, Dolezal of the 27th, Setzler of the 37th, Watson of the 1st, Tillery of the 19th and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 libraries, so as to prohibit the Board of Regents of the University System of Georgia and city,  
3 county, and regional public library trustees from using any taxpayer or privately donated  
4 funds, with limited exception, on any materials, services, or operations offered by the  
5 American Library Association or any of its affiliates; to amend Chapter 80 of Title 36 of the  
6 Official Code of Georgia Annotated, relating to provisions applicable to counties, municipal  
7 corporations, and other governmental entities, so as to prohibit taxpayer or privately donated  
8 funds, with limited exception, from going to the American Library Association or any of its  
9 affiliates; to amend Chapter 24 of Title 43 of the Official Code of Georgia Annotated,  
10 relating to librarians, so as to dissolve the State Board for the Certification of Librarians and,  
11 in lieu thereof, provide new authorities to the Georgia Council of Public Libraries; to amend  
12 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,  
13 relating to general authority, duties, and procedure of the Department of Administrative  
14 Services, so as to prohibit the acceptance of any bid or proposal made by the American  
15 Library Association for a state contract; to provide for legislative findings; to provide for an  
16 effective date; to provide for related matters; to repeal conflicting laws; and for other  
17 purposes.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 The General Assembly finds the following:

- 21 (1) The bureaucracy that has developed around the certification of librarians has become  
22 heavily intertwined with and influenced by the American Library Association;
- 23 (2) The President of the American Library Association has declared herself to be a  
24 Marxist;
- 25 (3) The American Library Association has used the librarian certification process to  
26 promote its ideology;
- 27 (4) The vast majority of residents of this state do not want their tax dollars to directly or  
28 indirectly support such an ideology;
- 29 (5) Other states have begun reducing the influence of the American Library Association;
- 30 (6) The Georgia Library Association is an affiliate of the American Library Association;
- 31 (7) The Georgia Library Association should no longer be an affiliate of the American  
32 Library Association; and
- 33 (8) The Georgia Council of Public Libraries is well suited to assume responsibilities  
34 concerning the certification of librarians and related duties.

35 **SECTION 2.**

36 Chapter 5 of Title 20 of the Official Code of Georgia Annotated, relating to libraries, is  
37 amended in Code Section 20-5-2, relating to powers and duties of the board of regents and  
38 director of University of Georgia Libraries, abolition of State Library Commission and  
39 transfer of functions, reports of state publications, and electronic submission, by revising  
40 subsections (a) and (b) as follows:

- 41 "(a) The board of regents shall give aid, advice, and counsel to all libraries and to  
42 communities which may propose to establish libraries as to the best means of establishing

43 and administering them, the selection of books, cataloging, and other details of library  
44 management and shall exercise supervision over all public libraries and endeavor to  
45 improve libraries already established. The board of regents may also conduct a  
46 book-lending and information service for the benefit of the citizens of the state, free of cost  
47 except postage. The board of regents is also authorized to purchase books, periodicals, and  
48 other instructional materials for such purposes. The board of regents may also employ  
49 necessary professional and clerical staff to carry on the work as stated in this Code section  
50 and may pay their necessary traveling expenses while engaged in such work. The board  
51 of regents shall not use any taxpayer or privately donated funds on any materials, services,  
52 or operations offered by the American Library Association or any of its affiliates, except  
53 that privately donated funds may be provided to such association for the sole purpose of  
54 supporting an application for accreditation or re-accreditation of a degree program.  
55 (b) The board of regents shall have authority to accept gifts of books, money, or other  
56 property from any public or private source, including the federal government, and shall  
57 have authority to perform any and all functions necessary to carry out the intention and  
58 purposes of this article. Notwithstanding any provision of law to the contrary, no such gifts  
59 shall be provided to the American Library Association or any of its affiliates."

60

### SECTION 3.

61 Said chapter is further amended by revising Code Section 20-5-20, relating to power of city  
62 to tax and appropriate and election of trustees to control library funds, as follows:

63 "20-5-20.

64 Any city, through its properly constituted municipal authorities, may raise by taxation from  
65 year to year and permanently appropriate money for the purpose of establishing, erecting,  
66 maintaining, or assisting in maintaining a public library. Any such sum or sums of money  
67 so appropriated shall be expended by and under the direction of a board of trustees of such  
68 public library elected by the city council of such city. Notwithstanding any provision of

69 law to the contrary, no such sum or sums of money shall be provided to the American  
 70 Library Association or any of its affiliates."

71 **SECTION 4.**

72 Said chapter is further amended by revising Code Section 20-5-44, relating to compensation  
 73 of trustees, as follows:

74 "20-5-44.

75 Members of the board of trustees shall receive no compensation; provided, however, that  
 76 such members may be reimbursed for any reasonable and necessary expenses incurred in  
 77 the performance of library business or if stipulated in terms of any bequest or gift. Dues  
 78 or fees for membership in local, state, regional, and national library associations may be  
 79 paid from operating funds in accordance with the constitution and bylaws of the library  
 80 system. Notwithstanding any provision of law to the contrary, dues or fees for membership  
 81 in the American Library Association shall not be paid from such funds or any other public  
 82 moneys."

83 **SECTION 5.**

84 Said chapter is further amended by revising Code Section 20-5-45, relating to directors of  
 85 library systems, duties, and responsibilities, as follows:

86 "20-5-45.

87 Every public library system shall have a director. Any person appointed as director of a  
 88 public library system must hold ~~at least a Grade 5(b)~~ a Librarian's Professional Graduate  
 89 Certificate, as defined by the Georgia Council of Public Libraries State Board for the  
 90 ~~Certification of Librarians~~; provided, however, that any person who was serving as acting  
 91 ~~director of a public library system as of July 1, 1984, shall be authorized to continue to~~  
 92 ~~serve as director~~. The director shall be appointed by the board of trustees and shall be the  
 93 administrative head of the library system under the direction and review of the board. The

94 director of a library system shall have duties and responsibilities which include but are not  
95 limited to the following:

96 (1) To recommend for employment or termination other staff members, as necessary, in  
97 compliance with applicable laws and the availability of funds and to employ or terminate  
98 other staff members if so authorized by the library board;

99 (2) To attend all meetings called by the Office of Public Library Services of the Board  
100 of Regents of the University System of Georgia or send a substitute authorized by the  
101 office director;

102 (3) To prepare any local, state, or federal annual budgets;

103 (4) To notify the board of trustees and the Office of Public Library Services of the Board  
104 of Regents of the University System of Georgia of any failure to comply with:

105 (A) Policies of the board;

106 (B) Criteria for state aid;

107 (C) State and federal rules and regulations; and

108 (D) All applicable local, state, or federal laws;

109 (5) To administer the total library program, including all affiliated libraries, in  
110 accordance with policies adopted by the system board of trustees; and

111 (6) To attend all meetings of the system board of trustees and affiliated boards of trustees  
112 or to designate a person to attend in his or her place."

113 **SECTION 6.**

114 Said chapter is further amended by revising Code Section 20-5-56, relating to requirement  
115 of certification of librarians, as follows:

116 "20-5-56.

117 All persons holding professional positions with the title of librarian must be certified by the  
118 ~~Board for the Certification of Librarians~~ Georgia Council of Public Libraries."

119

**SECTION 7.**

120 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions  
121 applicable to counties, municipal corporations, and other governmental entities, is amended  
122 by adding a new Code section to read as follows:

123 "36-80-32.

124 No county, municipality, school district, authority, division, instrumentality, political  
125 subdivision, or public body corporate created under the Constitution or laws of this state  
126 shall be authorized to use any taxpayer or privately donated funds on materials, services,  
127 or operations offered by the American Library Association or any of its affiliates, except  
128 that privately donated funds may be provided to such association for the sole purpose of  
129 supporting an application for accreditation or re-accreditation of a degree program."

130

**SECTION 8.**

131 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
132 is amended by revising Chapter 24, relating to librarians, as follows:

133

**"CHAPTER 24**

134 43-24-1.

135 As used in this chapter, the term:

136 ~~(1) 'Board' means the State Board for the Certification of Librarians.~~137 (1) 'Council' means the Georgia Council of Public Libraries.

138 (2) 'Librarian' means a person with specialized training as identified in this chapter and  
139 in the administrative rules and regulations applicable to this chapter and possessing the  
140 necessary training and qualifications to plan, organize, communicate, and administer  
141 successfully the use of the library's materials and services.

142 (3) 'Library' means an organization providing services and informational materials in a  
143 variety of formatting, including, but not limited to, books, films, tapes, microforms, and  
144 periodicals and having no fewer than 3,000 items which have been selected, acquired, and  
145 organized for dissemination.

146 43-24-2.

147 (a) The State Board for the Certification of Librarians is created, to consist of six persons  
148 as follows:

149 (1) Three librarians certified under this chapter, including one public librarian, one  
150 special librarian, and one other currently practicing librarian, and one person who shall  
151 be a trustee of a public library;

152 (2) A member to be appointed from the public at large who shall have no connection  
153 whatsoever with the library profession; and

154 (3) The director of public library services of the Board of Regents of the University  
155 System of Georgia.

156 (b) The members referred to in paragraphs (1) and (2) of subsection (a) of this Code  
157 section shall be appointed by the Governor and shall be confirmed by the Senate.

158 (c) The terms of the five members appointed pursuant to paragraphs (1) and (2) of  
159 subsection (a) of this Code section shall be five years. The term of the director of public  
160 library services of the Board of Regents of the University System of Georgia shall be  
161 coextensive with the term of office of this position.

162 (d) Members of the board shall be reimbursed as provided for in subsection (f) of Code  
163 Section 43-1-2.

164 (e) If there is a vacancy on the board, the Governor shall appoint a member to serve the  
165 unexpired term.

166 (f)(1) The provisions of subsections (a) through (e) of this Code section shall stand  
167 repealed and the State Board for the Certification of Librarians shall be dissolved

168 effective July 1, 2025, and all authorities and responsibilities of such board shall become  
169 the authorities and responsibilities of the council in accordance with this chapter.

170 (2) Any contracts entered into by the board shall expire or terminate by such date.

171 (3) The council shall make such rules and regulations and take such action as may be  
172 reasonably necessary to implement this chapter.

173 43-24-3.

174 The same jurisdiction, duties, powers, and authority which the division director has with  
175 reference to ~~other~~ professional licensing boards is conferred upon that director with respect  
176 to the ~~board~~ council.

177 43-24-4.

178 Any public library serving a political subdivision or subdivisions having a population of  
179 over 5,000 according to the United States decennial census of 1970 or any future such  
180 census and every library operated by the state or its authority, including libraries of  
181 institutions of higher learning, shall not employ in the position of librarian a person who  
182 does not hold a librarian's certificate issued by the ~~board~~ council. No public funds shall be  
183 paid to any library failing to comply with this chapter, provided that nothing in this chapter  
184 shall apply to law libraries of counties and municipalities, to libraries of public elementary  
185 and high schools, or to libraries of the University System of Georgia.

186 43-24-5.

187 The ~~board~~ council shall have authority to establish grades of certificates for librarians, to  
188 prescribe and hold examinations, to require submission of credentials to establish the  
189 qualifications of those seeking certificates as librarians, and to issue certificates of  
190 librarianship to qualified persons in accordance with such rules and regulations as it may



191 prescribe. The council shall not, however, require any person to obtain a degree from a  
192 program accredited by the American Library Association.

193 43-24-6.

194 (a) All applicants for a librarian's certificate shall file an application with the division  
195 director, accompanied by a fee which shall be set by the board council.

196 (b) Each certificate issued shall be renewable biennially.

197 (c) Any certified librarian requesting a duplicate certificate shall be charged a fee as shall  
198 be set by the board council.

199 43-24-7.

200 (a) The board council shall be authorized to require persons holding a certificate under this  
201 chapter to complete board council approved continuing education of not less than ten hours  
202 biennially as a condition of certificate renewal. The board council shall be authorized to  
203 approve programs offered by professional associations, educational institutions,  
204 government agencies, and bibliographic utilities, and others as it deems appropriate.

205 (b) The board council shall be authorized to waive the continuing education requirement  
206 in cases of hardship, disability, or illness or under such other circumstances as the board  
207 council deems appropriate.

208 (c) The board council shall be authorized to promulgate rules and regulations to implement  
209 and ensure compliance with the requirements of this Code section.

210 (d) The board council shall have the authority to appoint a committee or committees  
211 composed of certified librarians, as it deems appropriate, to administer, implement, and  
212 otherwise carry out the provisions of this chapter relating to continuing education."

213 **SECTION 9.**

214 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,  
215 relating to general authority, duties, and procedure of the Department of Administrative  
216 Services, is amended by adding a new Code section to read as follows:

217 "50-5-84.3.

218 The Department of Administrative Services shall not accept any bid or proposal made by  
219 the American Library Association or any of its affiliates for a state contract."

220 **SECTION 10.**

221 This Act shall become effective on July 1, 2025.

222 **SECTION 11.**

223 All laws and parts of laws in conflict with this Act are repealed.