

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

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
3 city, county, and regional public library trustees from using any public or privately donated
4 funds on any materials, services, or operations offered by the American Library Association
5 or any of its affiliates; to amend Chapter 80 of Title 36 of the Official Code of Georgia
6 Annotated, relating to provisions applicable to counties, municipal corporations, and other
7 governmental entities, so as to prohibit taxpayer or privately donated funds from going to the
8 American Library Association or any of its affiliates; to amend Title 43 of the Official Code
9 of Georgia Annotated, relating to professions and businesses, so as to repeal Chapter 24,
10 relating to librarians, so as to dissolve the state board for the certification of librarians and
11 remove certification and continuing education requirements; to amend Part 1 of Article 3 of
12 Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to general
13 authority, duties, and procedure of the Department of Administrative Services, so as to
14 prohibit the acceptance of any bid or proposal made by the American Library Association
15 for a state contract; to provide for legislative findings; to provide for an effective date; to
16 provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

19 The General Assembly finds the following:

20 (1) The present state requirement that only certified librarians may work as librarians at
21 public libraries has not benefitted the residents of this state;22 (2) The bureaucracy that has developed around the certification of librarians has become
23 heavily intertwined with and influenced by the American Library Association;24 (3) The President of the American Library Association has declared herself to be a
25 Marxist;26 (4) The American Library Association has used the librarian certification process to
27 promote its ideology;28 (5) The vast majority of residents of this state do not want their tax dollars to directly or
29 indirectly support such an ideology;

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;

33 (8) Other states have begun reducing the influence of the American Library Association;

34 (9) Some states do not require the certification of librarians working at public libraries;
35 and36 (10) This state should no longer require the certification of librarians working at public
37 libraries or allow public moneys to be used to support the American Library Association.

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SECTION 2.39 Chapter 5 of Title 20 of the Official Code of Georgia Annotated, relating to libraries, is
40 amended in subsections (a) and (b) of Code Section 20-5-2 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 public funds on any materials, services, or operations offered
52 by the American Library Association or any of its affiliates.

53 (b) The board of regents shall have authority to accept gifts of books, money, or other
54 property from any public or private source, including the federal government, and shall
55 have authority to perform any and all functions necessary to carry out the intention and
56 purposes of this article. Notwithstanding any provision of law to the contrary, no such gifts
57 shall be provided to the American Library Association or any of its affiliates."

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SECTION 3.

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

61 "20-5-20.

62 Any city, through its properly constituted municipal authorities, may raise by taxation from
63 year to year and permanently appropriate money for the purpose of establishing, erecting,
64 maintaining, or assisting in maintaining a public library. Any such sum or sums of money
65 so appropriated shall be expended by and under the direction of a board of trustees of such
66 public library elected by the city council of such city. Notwithstanding any provision of
67 law to the contrary, no such sum or sums of money shall be provided to the American
68 Library Association or any of its affiliates."

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SECTION 4.

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

72 "20-5-44.

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

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SECTION 5.

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

84 "20-5-45.

85 Every public library system shall have a director. ~~Any person appointed as director of a~~
86 ~~public library system must hold at least a Grade 5(b) Librarian's Professional Graduate~~
87 ~~Certificate, as defined by the State Board for the Certification of Librarians; provided,~~
88 ~~however, that any person who was serving as acting director of a public library system as~~
89 ~~of July 1, 1984, shall be authorized to continue to serve as director.~~ The director shall be
90 appointed by the board of trustees and shall be the administrative head of the library system
91 under the direction and review of the board. The director of a library system shall have
92 duties and responsibilities which include but are not limited to the following:

- 93 (1) To recommend for employment or termination other staff members, as necessary, in
94 compliance with applicable laws and the availability of funds and to employ or terminate
95 other staff members if so authorized by the library board;
- 96 (2) To attend all meetings called by the Office of Public Library Services of the Board
97 of Regents of the University System of Georgia or send a substitute authorized by the
98 office director;
- 99 (3) To prepare any local, state, or federal annual budgets;
- 100 (4) To notify the board of trustees and the Office of Public Library Services of the Board
101 of Regents of the University System of Georgia of any failure to comply with:
- 102 (A) Policies of the board;
- 103 (B) Criteria for state aid;
- 104 (C) State and federal rules and regulations; and
- 105 (D) All applicable local, state, or federal laws;
- 106 (5) To administer the total library program, including all affiliated libraries, in
107 accordance with policies adopted by the system board of trustees; and
- 108 (6) To attend all meetings of the system board of trustees and affiliated boards of trustees
109 or to designate a person to attend in his or her place."

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SECTION 6.

111 Said chapter is further amended by repealing Code Section 20-5-56, relating to requirement
112 of certification of librarians, and designating said Code section as reserved.

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SECTION 7.

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

117 "36-80-32.
118 No county, municipality, school district, authority, division, instrumentality, political
119 subdivision, or public body corporate created under the Constitution or laws of this state
120 shall be authorized to use any taxpayer or privately donated funds on materials, services,
121 or operations offered by the American Library Association or any of its affiliates."

122 **SECTION 8.**

123 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
124 is amended by repealing Chapter 24, relating to librarians, and designating said chapter as
125 reserved.

126 **SECTION 9.**

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

130 "50-5-84.3
131 The Department of Administrative Services shall not accept any bid or proposal made by
132 the American Library Association or any of its affiliates for a state contract."

133 **SECTION 10.**

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

135 **SECTION 11.**

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