

The Senate Committee on Government Oversight offered the following substitute to SB 390:

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.

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;
- 33 (8) Other states have begun reducing the influence of the American Library Association;
34 and
- 35 (9) The Georgia Council of Public Libraries is well suited to assume responsibilities
36 concerning the certification of librarians and related duties.

37 **SECTION 2.**

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

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

62

SECTION 3.

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

65 "20-5-20.

66 Any city, through its properly constituted municipal authorities, may raise by taxation from
67 year to year and permanently appropriate money for the purpose of establishing, erecting,
68 maintaining, or assisting in maintaining a public library. Any such sum or sums of money

69 so appropriated shall be expended by and under the direction of a board of trustees of such
70 public library elected by the city council of such city. Notwithstanding any provision of
71 law to the contrary, no such sum or sums of money shall be provided to the American
72 Library Association or any of its affiliates."

73 **SECTION 4.**

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

76 "20-5-44.

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

85 **SECTION 5.**

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

88 "20-5-45.

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

94 ~~serve as director. The director shall be appointed by the board of trustees and shall be the~~
95 ~~administrative head of the library system under the direction and review of the board. The~~
96 director of a library system shall have duties and responsibilities which include but are not
97 limited to the following:

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

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

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

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

107 (A) Policies of the board;

108 (B) Criteria for state aid;

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

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

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

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

115 **SECTION 6.**

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

118 "20-5-56.

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

121 **SECTION 7.**

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

125 "36-80-32.

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

132 **SECTION 8.**

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

135 "CHAPTER 24

136 43-24-1.

137 As used in this chapter, the term:

138 ~~(1) 'Board' means the State Board for the Certification of Librarians.~~

139 (1) 'Council' means the Georgia Council of Public Libraries.

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

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

148 43-24-2.

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

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

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

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

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

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

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

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

168 (f)(1) The provisions of subsections (a) through (e) of this Code section shall stand
169 repealed and the State Board for the Certification of Librarians shall be dissolved
170 effective July 1, 2025, and all authorities and responsibilities of such board shall become
171 the authorities and responsibilities of the council in accordance with this chapter.

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

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

175 43-24-3.

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

179 43-24-4.

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

188 43-24-5.

189 The ~~board~~ council shall have authority to establish grades of certificates for librarians, to
190 prescribe and hold examinations, to require submission of credentials to establish the
191 qualifications of those seeking certificates as librarians, and to issue certificates of
192 librarianship to qualified persons in accordance with such rules and regulations as it may
193 prescribe. The council shall not, however, require any person to obtain a degree from a
194 program accredited by the American Library Association.

195 43-24-6.

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

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

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

201 43-24-7.

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

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

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

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

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SECTION 9.

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

219 "50-5-84.3.

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

222

SECTION 10.

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

224

SECTION 11.

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