



**GOV. MSG. NO. 1126**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

May 1, 2015

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 1, 2015, the following bill was signed into law:

SB1098 SD1

RELATING TO LIBRARIES  
**ACT 026 (15)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawaii

RECEIVED  
THE SENATE  
CLERK'S OFFICE  
STATE OF HAWAII

RECEIVED  
SENATE  
OFFICE OF THE PRESIDENT

'15 MAY -1 P6:54

'15 MAY -1 P4:39

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# A BILL FOR AN ACT

RELATING TO LIBRARIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 312, Hawaii Revised Statutes, sets  
2 forth the duties and responsibilities of the board of education.  
3 This Act makes housekeeping amendments that will more accurately  
4 reflect long-standing board of education and Hawaii state public  
5 library system practice. These duties and responsibilities,  
6 which were initially assigned to the board of education, have  
7 been delegated to the state librarian and the Hawaii state  
8 public library system for many decades.

9           SECTION 2. Chapter 312, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12           "§312- State librarian; appointment; duties. The state  
13 librarian shall collect, purchase, receive gifts of, and  
14 otherwise acquire all books and other publications proper for  
15 libraries, and arrange, classify, and catalog the same; provide  
16 for their safekeeping; expend moneys appropriated by the  
17 legislature and otherwise acquired for the development, use,  
18 support, and maintenance of libraries; provide ways and means



1 for placing libraries within reach of all residents throughout  
2 the State and particularly of all public and private school  
3 children; provide and maintain branch libraries, offices, or  
4 places for the distribution of books and periodicals throughout  
5 the State; enter into contracts as may be necessary to carry  
6 into effect the general duties herein imposed; appoint such  
7 officers and employees as deemed necessary, all of whom shall be  
8 under the authority of the governor for purposes of chapters 76,  
9 78, 89, and 89C; and adopt rules for the management and use of  
10 libraries, and for the control of the property under its  
11 management."

12 SECTION 3. Section 312-1, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§312-1 Duties of the board of education.** The board of  
15 education shall care for, manage, and control all property set  
16 apart, donated, loaned to, or in any manner acquired for the use  
17 of libraries; receive, care for, expend, and account for any  
18 money which may be received for the purpose of erecting  
19 buildings for libraries or for any other purposes of the  
20 libraries[; ~~collect, purchase, receive gifts of, and otherwise~~  
21 ~~acquire all books and other publications proper for libraries,~~



1 ~~and arrange, classify, and catalogue the same; provide for their~~  
2 ~~safekeeping; expend moneys appropriated by the legislature and~~  
3 ~~otherwise acquired for the development, use, support, and~~  
4 ~~maintenance of libraries; provide ways and means for placing~~  
5 ~~libraries within reach of all residents throughout the State and~~  
6 ~~particularly of all public and private school children; provide~~  
7 ~~and maintain branch libraries, offices, or places for the~~  
8 ~~distribution of books and periodicals throughout the State; make~~  
9 ~~such contracts as may be necessary to carry into effect the~~  
10 ~~general duties herein imposed; appoint such officers and~~  
11 ~~employees as it deems necessary; and make rules for the~~  
12 ~~management and use of libraries, and for the control of the~~  
13 ~~property under its management]."~~

14 SECTION 4. Section 312-2, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§312-2 Powers of board; special fund.** The board of  
17 education may:

18 (1) Except as provided in section 312-3.9, make  
19 arrangements or contracts as are approved by the  
20 governor, with any county, city, association, society,



- 1 person, or persons, for the purpose of benefiting the  
2 libraries and increasing their facilities and use;
- 3 (2) Subject to section 26-12, enter into such arrangement  
4 or contract as is approved by the governor, with the  
5 Friends of the Library of Hawaii, affiliates of the  
6 Friends of the Library of Hawaii, and any tax-exempt  
7 nonprofit organization recognized under Section  
8 501(c)(3) of the Internal Revenue Code whose primary  
9 purpose is to support a state library branch for the  
10 purpose of obtaining the use of the books and property  
11 and income of the Friends of the Library of Hawaii,  
12 its affiliates, and such tax-exempt nonprofit  
13 organizations;
- 14 (3) Cooperate by exchange and otherwise with libraries now  
15 existing or hereafter to be formed;
- 16 (4) Receive, use, manage, or invest moneys or other  
17 property, real, personal, or mixed which may be given,  
18 bequeathed, devised, or in any manner received from  
19 sources other than the legislature or any federal  
20 appropriation for any or all purposes of the  
21 libraries;



- 1 (5) Deposit with the director of finance in a special fund  
2 all moneys donated to the board for library services;
- 3 (6) Unless otherwise provided for by the terms and  
4 conditions of the donation, convert, at such time as  
5 the board may at its sole discretion determine, any or  
6 all donations of property, real, personal, or mixed,  
7 into money to be deposited into the special fund; and
- 8 (7) Expend the moneys in the special fund in accordance  
9 with the terms and conditions of each donation for the  
10 purposes of the libraries.

11 The board shall be the trustee of the special fund and all  
12 moneys therein shall be deemed to have been appropriated to the  
13 use and for the purposes of the [~~board~~] Hawaii state public  
14 library system in providing library services. Nothing in this  
15 section shall be construed to limit the powers and duties of the  
16 board hereinbefore expressed, or to empower the board to  
17 obligate the State financially in any sum which shall not have  
18 been appropriated by the legislature for the use of the board."

19 SECTION 5. Section 312-4.6, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1           "(a) The [~~board of education~~] state librarian may charge  
2 and add a fee to any amount due in accordance with [~~its~~] the  
3 state librarian's duties and powers under section [~~312-4~~]  
4 312-     for:

5           (1) Any cost or expense incurred by the Hawaii state  
6           public library system as a result of any action taken  
7           to enforce the collection of costs of lost books and  
8           any overdue fines and fees charged to that patron  
9           after the public library system has mailed written  
10          notice demanding payment and advising that continued  
11          failure to pay the amount due may result in collection  
12          action being taken, including the imposition of cost-  
13          recovery fees, not to exceed \$10, pursuant to this  
14          section. Any cost-recovery fee charged against the  
15          patron for costs, fees, and other charges may include  
16          collection agency fees, attorneys' fees, court filing  
17          fees, and similar fees incurred by the Hawaii state  
18          public library system in connection with the  
19          collection action;





1 (2) Hawaii public library system sponsored seminars or  
2 workshops, including educational materials in various  
3 media format; and

4 (3) Research and reference materials published on magnetic  
5 media, CD-ROM, or other [~~machine readable~~] digital or  
6 electronic form."

7 SECTION 6. Section 312-4.6, Hawaii Revised Statutes, is  
8 amended by amending subsection (d) to read as follows:

9 "(d) The [~~board of education~~] state librarian shall  
10 prescribe the procedures relating to:

11 (1) The charging of fees;

12 (2) The waiver of fees;

13 (3) The documents, materials, and services for which fees  
14 may be charged;

15 (4) The amount of the fees that may be assessed and  
16 charged to a library patron;

17 (5) The accumulated amount of lost library material costs,  
18 fines, or fees;

19 (6) The period of time that the lost library materials  
20 costs, fines, or fees must remain unpaid before they



1           may be referred to a collection agency for collection  
2           pursuant to rules adopted under chapter 91; and  
3           (7) The notification of persons with delinquent accounts  
4           of the additional fees to be charged by the collection  
5           agency prior to the referral to the collection  
6           agency."

7           SECTION 7. Section 312-5, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "**§312-5 Annual report to the governor.** Annually during  
10          the month of July but as of June 30 preceding, the [~~board of~~  
11          ~~education~~] state librarian shall report to the governor the  
12          moneys received from all sources and expended for all purposes  
13          during the preceding year, and any other matters pertaining to  
14          the libraries which it may deem important, or the governor may  
15          require."

16          SECTION 8. Section 312-21, Hawaii Revised Statutes, is  
17          amended by amending subsection (a) as follows:

18          "(a) The [~~board of education, through the~~] state  
19          librarian[7] shall:

20          (1) Provide for the establishment and ongoing operation of  
21          a fee for enhanced service program, which includes but



1 is not limited to the planning, programming, and  
2 budgeting of operating, research and development, and  
3 capital investment programs; and

4 (2) Administer a special fund to be known as the "library  
5 fee for enhanced services special fund".

6 SECTION 9. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 10. This Act shall take effect upon its approval.

APPROVED this 1 day of MAY, 2015



GOVERNOR OF THE STATE OF HAWAII