

JAN 28 2015

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 state board of
3 education. This Act makes housekeeping changes that will more
4 accurately reflect long-standing board of education and Hawaii
5 state public library system practice. These duties and
6 responsibilities, which were initially assigned to the board of
7 education, have been delegated to the state librarian and the
8 Hawaii state 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,~~
22 ~~and arrange, classify, and catalogue the same; provide for their~~

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

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

15 "**§312-2 Powers of board; special fund.** The board of
16 education may:

17 (1) Except as provided in section 312-3.9, make
18 arrangements or contracts as are approved by the
19 governor, with any county, city, association, society,
20 person, or persons, for the purpose of benefiting the
21 libraries and increasing their facilities and use;

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

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

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

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

19 "(a) The [~~board of education~~] state librarian may charge
20 and add a fee to any amount due in accordance with [~~its~~] the
21 state librarian's duties and powers under section [~~312-1~~]
22 312-_____ for:

- 1 (1) Any cost or expense incurred by the Hawaii state
2 public library system as a result of any action taken
3 to enforce the collection of costs of lost books and
4 any overdue fines and fees charged to that patron
5 after the public library system has mailed written
6 notice demanding payment and advising that continued
7 failure to pay the amount due may result in collection
8 action being taken, including the imposition of cost-
9 recovery fees, not to exceed \$10, pursuant to this
10 section. Any cost-recovery fee charged against the
11 patron for costs, fees, and other charges may include
12 collection agency fees, attorneys' fees, court filing
13 fees, and similar fees incurred by the Hawaii state
14 public library system in connection with the
15 collection action;
- 16 (2) Hawaii public library system sponsored seminars or
17 workshops, including educational materials in various
18 media format; and
- 19 (3) Research and reference materials published on magnetic
20 media, CD-ROM, or other [~~machine-readable~~] digital or
21 electronic form."

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

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

5 (1) The charging of fees;

6 (2) The waiver of fees;

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

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

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

13 (6) The period of time that the lost library materials
14 costs, fines, or fees must remain unpaid before they
15 may be referred to a collection agency for collection
16 pursuant to rules adopted under chapter 91; and

17 (7) The notification of persons with delinquent accounts
18 of the additional fees to be charged by the collection
19 agency prior to the referral to the collection
20 agency."

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

1 "**§312-5 Annual report to the governor.** Annually during
2 the month of July but as of June 30 preceding, the [~~board of~~
3 ~~education~~] state librarian shall report to the governor the
4 moneys received from all sources and expended for all purposes
5 during the preceding year, and any other matters pertaining to
6 the libraries which it may deem important, or the governor may
7 require."

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

10 "(a) The [~~board of education, through the~~] state
11 librarian[~~r~~] shall:

12 (1) Provide for the establishment and ongoing operation of
13 a fee for enhanced service program, which includes but
14 is not limited to the planning, programming, and
15 budgeting of operating, research and development, and
16 capital investment programs; and

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

19 SECTION 9. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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

22

S . B . NO . 1098

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INTRODUCED BY: James Mercedo K.

2

BY REQUEST

S .B. NO. 1098

Report Title:

Hawaii State Public Library System; State Librarian

Description:

Updates chapter 321, Hawaii Revised Statutes, to accurately reflect long-standing State Board of Education and Hawaii State Public Library System practice.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Education

TITLE: A BILL FOR AN ACT RELATING TO LIBRARIES.

PURPOSE: To update chapter 312, Hawaii Revised Statutes (HRS), to accurately reflect long-standing State Board of Education and Hawaii State Public Library System Practice.

MEANS: Add a new section to chapter 312 and amend sections 312-1, 312-2, 312-4.6(a) and (d), 312-5, and 312-21(a), HRS.

JUSTIFICATION: Chapter 312, HRS, assigns various duties and responsibilities to the State Board of Education. In practice, the board does not, and has not, performed these duties and responsibilities; they have been delegated to the State Librarian and the Hawaii State Public Library System. This bill will amend chapter 312, HRS, so that it more accurately reflects the duties and responsibilities of the Board of Education, Hawaii State Public Library System, and the State Librarian.

Impact on the public: None.

Impact on the department and other agencies:
Duties and responsibilities currently assigned to the State Board of Education will be assigned to the State Librarian and the Hawaii State Public Library System.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: EDN 407.

OTHER AFFECTED

AGENCIES:

Hawaii State Board of Education; Governor's
Office.

EFFECTIVE DATE:

Upon approval.