
A BILL FOR AN ACT

RELATING TO PUBLIC LIBRARIES.

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

1 SECTION 1. Section 312-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§312-2 Powers of board; special fund.** The board of
4 education may:

- 5 (1) Except as provided in section 312-3.9, make
6 arrangements or contracts as are approved by the
7 governor, with any county, city, association, society,
8 person, or persons, for the purpose of benefiting the
9 libraries and increasing their facilities and use;
- 10 (2) Subject to section 26-12, enter into such arrangement
11 or contract as is approved by the governor, with the
12 Friends of the Library of Hawaii, affiliates of the
13 Friends of the Library of Hawaii, and any tax-exempt
14 nonprofit organization recognized under section
15 501(c)(3) of the Internal Revenue Code whose primary
16 purpose is to support a state library branch for the
17 purpose of obtaining the use of the books and property



- 1 and income of the Friends of the Library of Hawaii,
2 its affiliates, and such tax-exempt nonprofit
3 organizations;
- 4 (3) Cooperate by exchange and otherwise with libraries now
5 existing or hereafter to be formed;
- 6 (4) Receive, use, manage, or invest moneys or other
7 property, real, personal, or mixed which may be given,
8 bequeathed, devised, or in any manner received from
9 sources other than the legislature or any federal
10 appropriation for any or all purposes of the
11 libraries;
- 12 (5) Deposit with the director of finance in [a] the
13 library special fund all moneys donated to the board
14 for library services;
- 15 (6) Unless otherwise provided for by the terms and
16 conditions of the donation, convert, at such time as
17 the board may at its sole discretion determine, any or
18 all donations of property, real, personal, or mixed,
19 into money to be deposited into the special fund; and



1 (7) Expend the moneys in the special fund in accordance
2 with the terms and conditions of each donation for the
3 purposes of the libraries.

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

12 SECTION 2. Section 312-3.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§312-3.5 Detention of [books and other] public library**
15 **materials; penalty.** A person who detains [~~a book, newspaper,~~
16 ~~plate, picture, photograph, engraving, painting, drawing, map,~~
17 ~~magazine, document, letter, government record, microform, sound~~
18 ~~recording, audio visual materials in any format, magnetic or~~
19 ~~other tapes, artifacts, or other documentary (written or~~
20 ~~printed)] any public library materials belonging to any
21 community/school or public library [~~or similar institution~~~~



1 ~~controlled by the State]~~ for one day after the due date of the
2 public library materials, shall be subject to a nominal charge
3 established by the board of education.

4 A person detaining [~~such books or~~] public library materials
5 thirty days or more after the due date of such materials shall
6 be subject to a charge commensurate with the replacement value
7 of the [~~books or~~] public library materials."

8 SECTION 3. Section 312-21, Hawaii Revised Statutes, is
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) The state librarian shall:

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

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

18 (b) Notwithstanding [~~sections~~] section 312-3.6 [~~and 312-~~
19 4], all moneys collected through the fee for enhanced services
20 program shall be deposited into the library fee for enhanced
21 services special fund established under section 312-22."



1 SECTION 4. Section 312-22, Hawaii Revised Statutes, is
2 amended by amending subsection (b) and (c) to read as follows:

3 "(b) The special fund shall be administered by the state
4 librarian who [~~after consultation with the library advisory~~
5 ~~committee,~~] shall determine the annual amount that each public
6 library shall receive. Allocations shall be based on the
7 balance in the special fund on the first day of each fiscal year
8 and made in quarterly installments not more than thirty days
9 after the close of each fiscal quarter.

10 (c) Moneys allocated from the special fund shall be used
11 by each community/school or public library to operate its fee
12 for enhanced services program. Each library shall post in a
13 conspicuous place a list of expenditures made by the library
14 from the special fund during the preceding fiscal quarter."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Hawaii State Public Library System

Description:

Makes miscellaneous technical amendments to facilitate library operations. (HB2353 HD1)

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