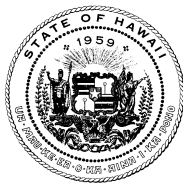


SB1098



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**Senate Committee on Education
February 02, 2015, 1:15 p.m.
State Capitol, Room 229**

SB 1098 – Relating to Libraries

The Hawaii State Public Library System has requested and strongly supports SB 1098.

The purpose of this bill is to update Chapter 321, Hawaii Revised Statutes (HRS) so it accurately reflects long-standing State of Hawaii Board of Education (BOE) and Hawaii State Public Library System (HSPLS) practice.

Chapter 312, HRS, assigns various duties and responsibilities to the BOE. In practice, the board does not, and has never carried out these duties and responsibilities. The State Librarian is the one who actually executes these operational duties for the HSPLS. This bill will amend Chapter 312, HRS, so that it more accurately reflects the duties and responsibilities of the BOE, HSPLS and the State Librarian.

The proposed revision to the HRS corrects and more accurately reflects the duties of the State Librarian.

Thank you for the opportunity to testify on SB 1098 and your continued support of the Hawaii State Public Library System.

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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 forth
2 the duties and responsibilities of the state board of education.
3 This Act makes housekeeping changes 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 public
8 library system for many decades.

9 SECTION 2. Chapter 312, Hawaii Revised Statutes, is amended
10 [~~by adding a new section~~] to be appropriately designated and to
11 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 for~~
19 ~~placing libraries within reach of all residents throughout the~~

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

10 **§312-2.1 Appointment of state librarian; duties; salary.** (a)

11 The state librarian shall be appointed by the board of
12 education, without regard to chapter 76, shall be under the
13 direction of the board, shall be responsible for the operation,
14 planning, programming, and budgeting of all community/school and
15 public libraries within the State, and may be removed by a
16 majority vote of its members. The state librarian may be
17 appointed:

18 (1) Without regard to the state residency provisions of
19 section 78-1(b); and

20 (2) For a term of up to four years.

21 (b) The salary of the state librarian shall be set by the
22 board of education at a rate no greater than \$120,000 a year.

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1 (c) The state librarian may appoint, without regard to
2 chapter 76, one secretary for the state librarian. The secretary
3 for the state librarian shall serve at the pleasure of the state
4 librarian. "The state librarian shall collect, purchase, receive
5 gifts of, and otherwise acquire all books and other publications
6 proper for libraries, and arrange, classify, and catalog the
7 same; provide for their safekeeping; expend moneys appropriated
8 by the legislature and otherwise acquired for the development,
9 use, support, and maintenance of libraries; provide ways and
10 means for placing libraries within reach of all residents
11 throughout the State and particularly of all public and private
12 school children; provide and maintain branch libraries, offices,
13 or places for the distribution of books and periodicals
14 throughout the State; enter into contracts as may be necessary to
15 carry into effect the general duties herein imposed; appoint such
16 officers and employees as deemed necessary, and adopt rules for
17 the management and use of libraries, and for the control of the
18 property under its management." [L 1969, c 127, §27; am L 1975,
19 c 58, §16; am L 1979, c 59, §1; am L 1981, c 150, §7; am L 1982,
20 c 129, §10; am L 1983, c 115, §1; am L 1986, c 128, §9; am L
21 1987, c 56, §1; am L 1989, c 329, §7; am L 1999, c 75, §1; am L
22 2000, c 253, §150; am L 2001, c 117, §1; am L 2012, c 135, §1]

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

3 "**§312-1 Duties of the board of education.** The board of
4 education shall care for, manage, and control all property set
5 apart, donated, loaned to, or in any manner acquired for the use
6 of libraries; receive, care for, expend, and account for any
7 money which may be received for the purpose of erecting buildings
8 for libraries or for any other purposes of the libraries[~~;~~
9 ~~collect, purchase, receive gifts of, and otherwise acquire all~~
10 ~~books and other publications proper for libraries, and arrange,~~
11 ~~classify, and catalogue the same; provide for their safekeeping;~~
12 ~~expend moneys appropriated by the legislature and otherwise~~
13 ~~acquired for the development, use, support, and maintenance of~~
14 ~~libraries; provide ways and means for placing libraries within~~
15 ~~reach of all residents throughout the State and particularly of~~
16 ~~all public and private school children; provide and maintain~~
17 ~~branch libraries, offices, or places for the distribution of~~
18 ~~books and periodicals throughout the State; make such contracts~~
19 ~~as may be necessary to carry into effect the general duties~~
20 ~~herein imposed; appoint such officers and employees as it deems~~
21 ~~necessary; and make rules for the management and use of~~
22 ~~libraries, and for the control of the property under its~~
23 management]."

1 SECTION 4. 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, for the purpose of
13 obtaining the use of books and property and income of
14 the Friends of the Library of Hawaii;
- 15 (3) Cooperate by exchange and otherwise with libraries now
16 existing or hereafter to be formed;
- 17 (4) Receive, use, manage, or invest moneys or other
18 property, real, personal, or mixed which may be given,
19 bequeathed, devised, or in any manner received from
20 sources other than the legislature or any federal
21 appropriation for any or all purposes of the libraries;
- 22 (5) Deposit with the director of finance in a special fund
23 all moneys donated to the board for library services;

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- 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 moneys
10 therein shall be deemed to have been appropriated to the use and
11 for the purposes of the [~~board~~] Hawaii state public library
12 system in providing library services. Nothing in this section
13 shall be construed to limit the powers and duties of the board
14 hereinbefore expressed, or to empower the board to obligate the
15 State financially in any sum which shall not have been
16 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~~] 312-
22 ____ for:

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

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

1 "(d) The [~~board of education~~] state librarian shall
2 prescribe the procedures relating to:
3 (1) The charging of fees;
4 (2) The waiver of fees;
5 (3) The documents, materials, and services for which fees
6 may be charged;
7 (4) The amount of the fees that may be assessed and charged
8 to a library patron;
9 (5) The accumulated amount of lost library material costs,
10 fines, or fees;
11 (6) The period of time that the lost library materials
12 costs, fines, or fees must remain unpaid before they
13 may be referred to a collection agency for collection
14 pursuant to rules adopted under chapter 91; and
15 (7) The notification of persons with delinquent accounts of
16 the additional fees to be charged by the collection
17 agency prior to the referral to the collection agency."

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

20 "**§312-5 Annual report to the governor.** Annually during the
21 month of July but as of June 30 preceding, the [~~board of~~
22 ~~education~~] state librarian shall report to the governor the
23 moneys received from all sources and expended for all purposes

1 during the preceding year, and any other matters pertaining to
2 the libraries which it may deem important, or the governor may
3 require."

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

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

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

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

15 SECTION 9. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

18 INTRODUCED BY: _____

19 BY REQUEST

Report Title:

Hawaii State Public Library System; State Librarian

Description:

Update Hawaii Revised Statutes, chapter 312 so it accurately reflects 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.