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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 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.

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INTRODUCED BY:

  
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BY REQUEST

JAN 26 2015

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**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.