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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 regarding libraries. This Act makes housekeeping  
4 amendments that will more accurately reflect long-standing board  
5 of education and Hawaii state public library system practices.  
6 These duties and responsibilities, which were initially assigned  
7 to the board of education, were delegated to and have been  
8 performed by the state librarian and the Hawaii state public  
9 library system for many decades.

10           This Act also allows the state librarian to appoint the  
11 state librarian's private secretary. This secretary position  
12 was originally a permanent secretary IV position that was  
13 reclassified to a private secretary I position effective on  
14 October 1, 1983, for the state librarian at that time. This  
15 position was then abolished on September 1, 1995, by the state  
16 librarian as part of the budget reductions for the Hawaii state  
17 public library system. On September 28, 2001, the state  
18 librarian at the time established a temporary exempt position



1 for a private secretary II. On September 15, 2011, the private  
2 secretary II position was finally established as a permanent  
3 exempt and excluded position by Act 164, Session Laws of Hawaii  
4 2011. This Act aligns the law with current practice.

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

8 "§312- State librarian; additional duties. The state  
9 librarian shall collect, purchase, receive gifts of, and  
10 otherwise acquire all books and other publications proper for  
11 libraries, and arrange, classify, and catalog the same; provide  
12 for their safekeeping; expend moneys appropriated by the  
13 legislature and otherwise acquired for the development, use,  
14 support, and maintenance of libraries; provide ways and means  
15 for placing libraries within reach of all residents throughout  
16 the State and particularly of all public and private school  
17 children; provide and maintain branch libraries, offices, or  
18 places for the distribution of books and periodicals throughout  
19 the State; enter into contracts as may be necessary to carry  
20 into effect the general duties herein; appoint such officers and  
21 employees as deemed necessary, all of whom shall be under the  
22 authority of the governor for purposes of chapters 76, 78, 89,



1 and 89C; and adopt rules for the management and use of  
2 libraries, and for the control of the property under the state  
3 librarian's management. The state librarian may appoint,  
4 without regard to chapter 76, one secretary for the state  
5 librarian. The secretary for the state librarian shall serve at  
6 the pleasure of the state librarian."

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

9 "**§312-1 Duties of the board of education.** The board of  
10 education shall care for, manage, and control all property set  
11 apart, donated, loaned to, or in any manner acquired for the use  
12 of libraries; receive, care for, expend, and account for any  
13 money which may be received for the purpose of erecting  
14 buildings for libraries or for any other purposes of the  
15 libraries[; ~~collect, purchase, receive gifts of, and otherwise~~  
16 ~~acquire all books and other publications proper for libraries,~~  
17 ~~and arrange, classify, and catalogue the same; provide for their~~  
18 ~~safekeeping; expend moneys appropriated by the legislature and~~  
19 ~~otherwise acquired for the development, use, support, and~~  
20 ~~maintenance of libraries; provide ways and means for placing~~  
21 ~~libraries within reach of all residents throughout the State and~~  
22 ~~particularly of all public and private school children; provide~~



1 ~~and maintain branch libraries, offices, or places for the~~  
2 ~~distribution of books and periodicals throughout the State, make~~  
3 ~~such contracts as may be necessary to carry into effect the~~  
4 ~~general duties herein imposed; appoint such officers and~~  
5 ~~employees as it deems necessary; and make rules for the~~  
6 ~~management and use of libraries, and for the control of the~~  
7 ~~property under its management]."~~

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

10 "**§312-2 Powers of board; special fund.** The board of  
11 education may:

- 12 (1) Except as provided in section 312-3.9, make  
13 arrangements or contracts as are approved by the  
14 governor, with any county, city, association, society,  
15 person, or persons, for the purpose of benefiting the  
16 libraries and increasing their facilities and use;
- 17 (2) Subject to section 26-12, enter into such arrangement  
18 or contract as is approved by the governor, with the  
19 Friends of the Library of Hawaii, for the purpose of  
20 obtaining the use of books and property and income of  
21 the Friends of the Library of Hawaii;



1 (3) Cooperate by exchange and otherwise with libraries now  
2 existing or hereafter to be formed;

3 (4) Receive, use, manage, or invest moneys or other  
4 property, real, personal, or mixed which may be given,  
5 bequeathed, devised, or in any manner received from  
6 sources other than the legislature or any federal  
7 appropriation for any or all purposes of the  
8 libraries;

9 (5) Deposit with the director of finance in a special fund  
10 all moneys donated to the board for library services;

11 (6) Unless otherwise provided for by the terms and  
12 conditions of the donation, convert, at such time as  
13 the board may at its sole discretion determine, any or  
14 all donations of property, real, personal, or mixed,  
15 into money to be deposited into the special fund; and

16 (7) Expend the moneys in the special fund in accordance  
17 with the terms and conditions of each donation for the  
18 purposes of the libraries.

19 The board shall be the trustee of the special fund and all  
20 moneys therein shall be deemed to have been appropriated to the  
21 use and for the purposes of the [~~board~~] Hawaii state public  
22 library system in providing library services. Nothing in this



1 section shall be construed to limit the powers and duties of the  
2 board hereinbefore expressed, or to empower the board to  
3 obligate the State financially in any sum which shall not have  
4 been appropriated by the legislature for the use of the board."

5 SECTION 5. Section 312-3, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§312-3 Exchange of librarians.** The [~~board of education~~]  
8 state librarian may contract for the exchange of librarians with  
9 librarians of any state, country, or territory in accordance  
10 with this section, except as otherwise provided in section  
11 78-27. Local librarians so exchanged shall be paid their  
12 regular salaries out of the funds appropriated for personal  
13 services in the library budget for the library concerned. The  
14 qualifications of all librarians from any such state, country,  
15 or territory so exchanged shall be equal to those of the local  
16 librarians exchanged. In the selection of local librarians for  
17 exchange, preference shall be given to persons born in the  
18 State. The requirements of citizenship shall not apply to any  
19 librarian coming to the State from any foreign state, country,  
20 or territory under any such contract of exchange. All  
21 librarians so exchanged shall furnish their own transportation



1 to and from the state, country, or territory with which  
2 exchanged.

3 No compensation shall be paid by the State to visiting  
4 exchange librarians; provided that in any case where the local  
5 exchanged librarian becomes incapacitated or, for any reason,  
6 leaves the exchanged position permanently, the library concerned  
7 may pay the visiting exchange librarian an amount not to exceed  
8 the salary rating of the local exchanged librarian, such an  
9 arrangement to continue until the end of the period of exchange  
10 or until such time as some satisfactory adjustment has been  
11 made."

12 SECTION 6. Section 312-4.6, Hawaii Revised Statutes, is  
13 amended as follows:

14 1. By amending subsection (a) to read:

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

19 (1) Any cost or expense incurred by the Hawaii state  
20 public library system as a result of any action taken  
21 to enforce the collection of costs of lost books and  
22 any overdue fines and fees charged to that patron



1 after the public library system has mailed written  
2 notice demanding payment and advising that continued  
3 failure to pay the amount due may result in collection  
4 action being taken, including the imposition of cost-  
5 recovery fees, not to exceed \$10, pursuant to this  
6 section. Any cost-recovery fee charged against the  
7 patron for costs, fees, and other charges may include  
8 collection agency fees, attorneys' fees, court filing  
9 fees, and similar fees incurred by the Hawaii state  
10 public library system in connection with the  
11 collection action;

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

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

18 2. By amending subsection (d) to read:

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

21 (1) The charging of fees;

22 (2) The waiver of fees;





- 1           (3) The documents, materials, and services for which fees
- 2                    may be charged;
- 3           (4) The amount of the fees that may be assessed and
- 4                    charged to a library patron;
- 5           (5) The accumulated amount of lost library material costs,
- 6                    fines, or fees;
- 7           (6) The period of time that the lost library materials
- 8                    costs, fines, or fees must remain unpaid before they
- 9                    may be referred to a collection agency for collection
- 10                   pursuant to rules adopted under chapter 91; and
- 11           (7) The notification of persons with delinquent accounts
- 12                    of the additional fees to be charged by the collection
- 13                    agency prior to the referral to the collection
- 14                    agency."

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

17           "**§312-5 Annual report to the governor.** Annually during  
 18 the month of July but as of June 30 preceding, the [~~board of~~  
 19 ~~education~~] state librarian shall report to the governor the  
 20 moneys received from all sources and expended for all purposes  
 21 during the preceding year, and any other matters pertaining to



1 the libraries which it may deem important, or the governor may  
2 require."

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

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

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

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

14 SECTION 9. Section 312-6, Hawaii Revised Statutes, is  
15 repealed.

16 [~~"§312-6 Bond memorial library. The public library  
17 operated and maintained in Kohala, North Kohala, county of  
18 Hawaii, formerly under the name of Kohala Public Library shall  
19 be designated and known as the "Bond Memorial Library"."]~~

20 SECTION 10. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 11. This Act shall take effect upon its approval.



**Report Title:**

Hawaii State Public Library System; State Librarian

**Description:**

Revises Chapter 312, Hawaii Revised Statutes, to accurately reflect long-standing Board of Education and Hawaii State Public Library System practices. (SB2773 HD1)

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

