

TO: Senator Jill Takuda, Chair
Senator Michelle Kidani, Vice-Chair
Members of the Senate Education Committee

RE: HB1054, HD1 Proposed SD1 Relating to Education. **(SUPPORT)**

DATE: March 21, 2012 1:30 pm.

Thank you for reading my comments in support of HB1054, HD1 Proposed SD1 Relating to Education.

My name is Dorothy Tolliver and I am president of the Maui Friends of the Library MFOL). I am writing on behalf of the Friends of the Maui County Library dba Maui Friends of the Library (MFOL) regarding HB1054, HD1 Proposed SD1 Relating to Education. The MFOL, which is a 100-year-old library Friends organization originating in 1912, has continuously supported all of the public libraries in Maui County, as their Friends organization and is one of those independent non-profit 501C3 Friends organizations which would be affected by this bill. We also support Maui County academic, school and institutional libraries.

Currently, the majority of the tax-exempt organizations that support our public libraries are "Friends of the Library" groups. There are at least three kinds of Friends' groups already in existence: a statewide organization, the Friends of the Library, Hawaii and their affiliates; Friends groups associated with an individual public library branch but not affiliated with FLH (like the Aina Haina Friends); and Friends groups associated with several public library branches and who may also support other kinds of libraries within a geographic region (like the Maui Friends of the Library). Any version of this bill that passes should allow all of these current Friends groups to continue their excellent work in support of our libraries, and grant each Friends group the same access to library facilities including the sale of materials in the library for the benefit of that library or libraries.

Like the Aina Haina Friends of the Library, the MFOL does not belong to the FLH. We also do not have an MOA/MOU or waiver from the State Librarian or from the FLH which would allow us to sell books and materials at the public libraries or to collect public library sales tables' funds. Technically, this puts us in violation of the current statute 312-3.8 Hawaii state library foundation and friends of the library of Hawaii concessions: use of public library facilities, which specifies that only friends of the library of Hawaii affiliates can sell books or materials in the public libraries and of the Memorandum of Understanding (MOU) with the Friends of the Library of Hawaii giving them and their affiliates "...the exclusive right to any enterprise activity on Public Libraries property."

The MFOL Board has harmoniously worked with the State Librarian and the FLH in regards to funding our Maui libraries. The FLH and the MFOL have authored grants and worked on projects to further the goals of the Maui public libraries and will continue to do so. There is also the possibility that we may become part of the HFL with Associate status or have our own MOU. But, until then, we are concerned that, in the absence of any written agreement or Associate status stating that the MFOL could conduct sales in the Maui public libraries, we too, like the Aina Haina Friends (a 50-year-old Public Library Friends group) could be told that our sales tables are illegal if held within the public library spaces.

The proposed library bill seeks to remedy this situation for the Aina Haina Friends of the Library as well as the other independent 501C3 Friends of the Library groups, however, **we are concerned that this proposed bill as currently written, does not address our particular situation as it appears to be concerned with a single public library and its public Library Friends group formed solely for the support of that one public library.** Our primary purpose is to **support all of the libraries of Maui County including its 8 public libraries.** The MFOL does **not solely support and benefit a specific public library or donate funds exclusively to that specific public library.** We do, however, make sure that each public library benefits from the proceeds of their sales tables and we keep a close accounting of how much each library sales table generates in income.

Because the bill as submitted will not completely address our situation, we respectfully suggest the following : amend the current law to allow that any 501C3 corporation that exists for the purpose of supporting a library **or libraries** within Hawaii to hold its book sales on state property. We appreciate this opportunity to make our concerns known.

I respectfully request that you support HB1054, HD1 Proposed SD1 Relating to Education as revised. Thank you.

Dorothy Tolliver
President

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TO: Senator Jill Tokuda, Chair
Senator Michelle Kidani, Vice-Chair
Members of the Senate Education Committee: Senator Suzanne Chun-
Oakland, Senator Clarence Nishihara, Senator Brian Taniguchi, Senator Sam Slom

FROM: Sharon Nagasako

DATE: Wednesday, March 21, 2012 1:30 p.m.
Conference Room 225

RE: Testimony HB1054, HD 1 Proposed SD1 Relating to Education (SUPPORT)

Thank you very much for the opportunity to speak in support of HB1054. My name is Sharon Nagasako and I am a volunteer with the Friends of the Aina Haina Public Library.

First of all, I would like to thank Senator Tokuda and this Committee for once again granting a Hearing to allow the public to speak on legislation which focuses on how Hawaii's public libraries can be most effectively, efficiently, and maximally supported.

When the book sales conducted by the Aina Haina Friends unpaid volunteer group were declared "illegal" by the Friends of the Library of Hawaii (Big Friends), well over a year ago, we were aghast. After we got over our initial shock, our little book dusting crew went straight to work trying to find out what we had done wrong and then correct it. What we discovered is the reason we are here today.

We learned that the reason our book sales were labeled "illegal" was because of a 2010 Memorandum of Understanding (MOU) that the State Librarian has with the Big Friends that is based on HRS 312-3.8. This partnership gave the Big Friends "exclusive rights" to sell books on State property. So unless we "chose" to become an Affiliate of the Big Friends, our "illegal" book selling status would remain.

Hoping to legitimize our book sales, we met with the State Librarian a year ago to request an MOU with us just as he did with the Big Friends. But it did not matter that when we approached the State Librarian with our request for exemption, that the Aina Haina Friends was a 501(c)(3) non-profit, tax exempt entity, which paid taxes on time, and which the State Librarian himself said that our group was doing an exemplary job of running an efficient operation all on our own. All he could do was say that he was just following the law, and once again, refer back to his MOU with the Big Friends and HRS 312-3.8 which gives the Big Friends "exclusive rights" to sell books on State property.

Consequently, due to the "law of the land" being impressed upon us, and with no other options (aside from giving up our autonomy and our freedom to choose whether or not we want to affiliate with the Big Friends) we reluctantly decided to go the legislative route which would involve amending the current law which will allow qualified 501(c)(3) organizations to raise funds on State property for the purpose of supporting a designated library or libraries. As we all know, this has been no easy task, and I assure you that if there were an easier and correct way to solve this problem we would have chosen it.

Sharon Nagasako
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For those who loudly proclaim that the Aina Haina Friends were offered an MOU and we rejected it, allegedly showing that we are being selfish and unwilling to cooperate, I offer this explanation. Last month, almost thirty days after this library legislation was introduced, the State Librarian offered the Aina Haina Friends an exemption from the MOU he has with the Big Friends. But there was a problem...the State Librarian didn't know whether the MOU which expires in June 2012 will be rewritten, whether the MOU will be extended, or even if it would be legal for the MOU to allow an exemption for an independent 501(c)(3) entity. We were further informed that answers to these questions wouldn't be available until after the 2012 Legislative Session ended because the Attorney General's office was too busy to work on such matters. Obviously, with such uncertainties involved, we did not accept the MOU offer.

And yesterday, the Big Friends offered the Aina Haina Friends a contract based on the authority given by the MOU. And sadly, it is the same MOU that will expire in June 2012.

Just recently, one legislator pointed to the set of HRS books in his office and solemnly informed us that our only permanent resolution to our problem would be to have the library issue addressed in Hawaii Statute. Anything else will either be a temporary fix or will only bring us back to where we started - "illegal."

This bill is not just about libraries. By voting in support of HB1054, SD1, you will be supporting everyone's freedom of choice, a fundamental right that should not be overlooked.

In the words of John F. Kennedy, "Conformity is the jailer of freedom and the enemy of growth." The Friends of the Aina Haina Public Library stands proudly in favor of growth for all of Hawaii's libraries.

Thank you very much.

Sharon Nagasako
Honolulu, HI

TO: Senator Jill Tokuda, Chair
Senator Michelle Kidani, Vice-Chair
Members of the House Education Committee

FROM: Lenore Johnson

DATE: Wednesday, March 21, 2012 1:30 p.m.
Conference Room 225

RE: TESTIMONY IN SUPPORT OF HB1054, SD1 – Relating to State Libraries

Thank you for allowing me the opportunity to share my thoughts on HB1054, SD1. My name is Lenore Johnson and I am the president of the Friends of the Aina Haina Public Library, where I have been a volunteer for about 45 years.

I marvel at how our rudimentary book sales that we conducted in the “olden days” have continued to transform year after year into grand community events. The money we raise goes to funding our favorite neighborhood library, and in the past two years we have been able to provide \$25,000 for books, children’s programs, office furniture, and to fulfill other needs.

While our Friends group truly enjoys volunteering at the Aina Haina Library, it has been an arduous journey for us since the summer of 2010, when we were informed by the Big Friends that our annual book sales were illegal because we were not one of their affiliates. So our organization greatly appreciates the countless hours of work that have gone into putting together this legislation that will allow qualified 501(C)(3) groups like ours to help fund the libraries here in our Islands.

For almost half a century, the Big Friends had always given us the choice of whether or not we wanted to become one of their Affiliates. But suddenly, in 2010, that option was gone. While we suggested various solutions for our situation, all the State Librarian could say to us was, “Sorry, it’s the law.” The Opinion from the Department of the Attorney General regarding our case pointed to HRS 312-3.8, and again, it was the law.

So for now we have closed down our daily, weekly, and annual book sales to comply with the law. A law that doesn’t make any sense to me when one organization is given exclusive rights to sell books on State property, and here we are, doing the same thing albeit on a smaller scale, and our book sales are deemed illegal.

But it is wonderful to know that there are legislators here today, who want to do what is right, which is to amend the law to allow every library friends group in Hawaii the freedom to choose whether it will remain autonomous or whether it will join the Big Friends.

I respectfully ask that you cast your vote in support HB1054 SD1. Thank you.

Lenore Johnson
Honolulu, HI