



DAVID Y IGE  
GOVERNOR

STACIE KANNO  
INTERIM STATE LIBRARIAN

STATE OF HAWAII  
HAWAII STATE PUBLIC LIBRARY SYSTEM  
OFFICE OF THE STATE LIBRARIAN  
44 MERCHANT STREET  
HONOLULU, HAWAII 96813

**House Committee on Education  
February 02, 2015, 2:00 p.m.  
State Capitol, Room 309**

**HB 463 – Relating to Libraries**

The Hawaii State Public Library System has requested and strongly supports HB 463.

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 HB 463 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.*