

**"CHAPTER 312
LIBRARIES**

Part I. General Provisions

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"PART I. GENERAL PROVISIONS

Note

Part heading added by L 1993, c 327, §2 and amended by L 1993, c 327, §3; L 1996, c 144, §2; L 1999, c 29, §2; L 2001, c 107, §2.

§312-1 Duties of the board of education. The board of education shall care for, manage, and control all property set apart, donated, loaned to, or in any manner acquired for the use of libraries; receive, care for, expend, and account for any money which may be received for the purpose of erecting buildings for libraries or for any other purposes of the libraries. [L 1909, c 83, §2; RL 1925, §417; RL 1935, §801; RL 1945, §1912; RL 1955, §45-2; am L Sp 1959 2d, c 1, §18; HRS §312-1; am L 1981, c 150, §5; am L 2015, c 26, §3]

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

- (1) Except as provided in section 312-3.9, make arrangements or contracts as are approved by the governor, with any county, city, association, society, person, or persons, for the purpose of benefiting the libraries and increasing their facilities and use;
- (2) Subject to section 26-12, enter into such arrangement or contract as is approved by the governor, with the Friends of the Library of Hawaii, affiliates of the Friends of the Library of Hawaii, and any tax-exempt nonprofit organization recognized under section 501(c)(3) of the Internal Revenue Code whose primary purpose is to support a state library branch for the purpose of obtaining the use of the books and property and income of the Friends of the Library of Hawaii, its affiliates, and such tax-exempt nonprofit organizations;
- (3) Cooperate by exchange and otherwise with libraries now existing or hereafter to be formed;
- (4) Receive, use, manage, or invest moneys or other property, real, personal, or mixed which may be given, bequeathed, devised, or in any manner received from sources other than the legislature or any federal appropriation for any or all purposes of the libraries;
- (5) Deposit with the director of finance in a special fund all moneys donated to the board for library services;

- (6) Unless otherwise provided for by the terms and conditions of the donation, convert, at such time as the board may at its sole discretion determine, any or all donations of property, real, personal, or mixed, into money to be deposited into the special fund; and
- (7) Expend the moneys in the special fund in accordance with the terms and conditions of each donation for the purposes of the libraries.

The board shall be the trustee of the special fund and all moneys therein shall be deemed to have been appropriated to the use and for the purposes of the Hawaii state public library system in providing library services. Nothing in this section shall be construed to limit the powers and duties of the board hereinbefore expressed, or to empower the board to obligate the State financially in any sum which shall not have been appropriated by the legislature for the use of the board. [L 1909, c 83, §3; RL 1925, §418; RL 1935, §802; am L 1939, c 127, §1; RL 1945, §1913; am L 1953, c 171, §2; RL 1955, §45-3; am L Sp 1959 2d, c 1, §§14, 18; am L 1963, c 114, §1; HRS §312-2; am L 1981, c 150, §6; am L 1997, c 252, §3; am L 2012, c 308, §2; am L 2015, c 26, §4]

" **§312-2.1 Appointment of state librarian; duties; salary.**

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

- (1) Without regard to the state residency provisions of section 78-1(b); and
 - (2) For a term of up to four years.
- (b) The salary of the state librarian shall be set by the board of education at a rate no greater than \$120,000 a year.
- (c) The state librarian may appoint, without regard to chapter 76, one secretary for the state librarian. The secretary for the state librarian shall serve at the pleasure of the state librarian.

[(d)] The state librarian shall collect, purchase, receive gifts of, and otherwise acquire all books and other publications proper for libraries, and arrange, classify, and catalog the same; provide for their safekeeping; expend moneys appropriated by the legislature and otherwise acquired for the development, use, support, and maintenance of libraries; provide ways and means for placing libraries within reach of all residents

throughout the State and particularly of all public and private school children; provide and maintain branch libraries, offices, or places for the distribution of books and periodicals throughout the State; enter into contracts as may be necessary to carry into effect the general duties herein imposed; appoint such officers and employees as deemed necessary, all of whom shall be under the authority of the governor for purposes of chapters 76, 78, 89, and 89C; and adopt rules for the management and use of libraries, and for the control of the property under its management. [L 1969, c 127, §27; am L 1975, c 58, §16; am L 1979, c 59, §1; am L 1981, c 150, §7; am L 1982, c 129, §10; am L 1983, c 115, §1; am L 1986, c 128, §9; am L 1987, c 56, §1; am L 1989, c 329, §7; am L 1999, c 75, §1; am L 2000, c 253, §150; am L 2001, c 117, §1; am L 2012, c 135, §1; am L 2015, c 26, §2]

Revision Note

Enacted as a new section, subsection (d) was redesignated pursuant to §23G-15.

" **[§312-2.2] Special assistant to the state librarian; appointment and duties; secretary.** The state librarian shall appoint a special assistant to the state librarian who shall serve at the pleasure of the state librarian and shall generally assist the state librarian, as the state librarian may require, in the initiation, direction, or monitoring of administrative or managerial special projects, studies, investigations, and any other assignments that the state librarian determines to be necessary. In addition, the special assistant shall, as the state librarian may direct, serve as the state librarian's representative to, and monitor and apprise the state librarian of the activities of the various national, regional, state, and local organizations and committees in which the state librarian has membership, participation, or interest. The special assistant to the state librarian shall be appointed without regard to chapter 76, and shall hold no other public or private office or employment. Section 26-53 shall not be applicable to the special assistant to the state librarian. The state librarian may also appoint, without regard to chapter 76, one secretary for the special assistant to the state librarian. The secretary for the special assistant to the state librarian shall serve at the pleasure of the state librarian. [L 1989, c 134, §1; am L 2000, c 253, §150]

" **§312-3 Exchange of librarians.** The state librarian may contract for the exchange of librarians with librarians of any state, country, or territory in accordance with this section, except as otherwise provided in section 78-27. Local librarians so exchanged shall be paid their regular salaries out of the funds appropriated for personal services in the library budget for the library concerned. The qualifications of all librarians from any such state, country, or territory so exchanged shall be equal to those of the local librarians exchanged. In the selection of local librarians for exchange, preference shall be given to persons born in the State. The requirements of citizenship shall not apply to any librarian coming to the State from any foreign state, country, or territory under any such contract of exchange. All librarians so exchanged shall furnish their own transportation to and from the state, country, or territory with which exchanged.

No compensation shall be paid by the State to visiting exchange librarians; provided that in any case where the local exchanged librarian becomes incapacitated or, for any reason, leaves the exchanged position permanently, the library concerned may pay the visiting exchange librarian an amount not to exceed the salary rating of the local exchanged librarian, such an arrangement to continue until the end of the period of exchange or until such time as some satisfactory adjustment has been made. [L 1951, c 190, pt of §1; RL 1955, §45-30; HRS §312-3; am L 1981, c 150, §8; am L 2002, c 148, §34; am L 2012, c 135, §2]

" **[§312-3.3] Reallocation of vacant positions.** The state librarian shall promote innovative, efficient, and effective management, without regard to the position variance requirements of the department of budget and finance, and may:

- (1) Reallocate existing vacant positions throughout the public library system;
- (2) Directly authorize and implement internal reorganization actions; and
- (3) Create temporary positions as necessary; provided that:
 - (A) The expenditures of the public library system shall not exceed its allocated budget;
 - (B) The term of each position shall not exceed one year; and
 - (C) The state librarian shall report the creation of temporary positions to the department of budget and finance. [L 1996, c 196, §1; am L 1999, c 130, §2; am L 2001, c 108, §2]

" **§312-3.5 Detention of books and other public library materials; penalty.** A person who detains a book, newspaper, plate, picture, photograph, engraving, painting, drawing, map, magazine, document, letter, government record, microform, sound recording, audio visual materials in any format, magnetic or other tapes, artifacts, or other documentary (written or printed) materials belonging to any public library or similar institution controlled by the State for one day after the due date of the public library materials, shall be subject to a nominal charge established by the board of education.

A person detaining such books or public library materials thirty days after the due date shall be subject to a charge commensurate with the replacement value of the books or public library materials. [L 1979, c 117, §1; am L 1981, c 150, §9; am L 1983, c 134, §1; am L 1991, c 145, §2]

" **§312-3.6 Libraries special fund.** (a) There is established in the state treasury a libraries special fund into which shall be deposited all moneys collected pursuant to section 312-3.5, and all moneys designated to be paid to this fund pursuant to section 235-102.5(c).

(b) The fund shall be administered by the state librarian who shall, unless otherwise directed by the library advisory committee, disburse to each public library, the amount commensurate with the moneys received from the library under section 312-3.5 over the previous fiscal period. Allocations shall be made in quarterly installments within thirty days of the end of each calendar quarter.

(c) Moneys allocated from the libraries special fund to the public libraries shall be used to purchase books or other library materials. Each public library may post on a bulletin board or other appropriate place a list of the purchases made from the special fund in the preceding quarter.

(d) The state librarian shall submit an annual report on the status of the libraries special fund, to include information regarding:

- (1) Deposits into the fund and the source of these revenues;
- (2) Allocations to each public library, including allocations established for both the fiscal year covered by the annual report and the subsequent fiscal year;
- (3) Descriptions and amounts of expenditures made from the fund;
- (4) Balances remaining on June 30 of each year;
- (5) Financial information regarding receipt sources by individual libraries; and

(6) Actual expenditure of receipts by individual libraries; provided that this report shall be submitted to the legislature and to the governor, or the director of finance if so delegated by the governor, no later than twenty days prior to the convening of each regular session of the legislature.

[(e)] The state librarian may receive privately donated moneys and use such moneys in any of the library system's accounts or funds to support the operations of the library system, including the payment of staff salaries and expenses related to operations of library facilities; provided that the donor is advised that the donated moneys may be used for these purposes. [L 1989, c 129, §3; am L 1993, c 280, §30; am L 1999, c 45, §1; am L 2003, c 193, §§3, 4]

Revision Note

L 2003, c 193, §4 is codified to this section as subsection (e) pursuant to §23G-15.

Cross References

University of Hawaii library special fund, see §304A-2155.

" **§312-3.7 Hawaii state library foundation trust fund.** (a) There is established as a separate fund of the Hawaii state library foundation, a Hawaii nonprofit corporation, the Hawaii state library foundation trust fund. All funds contributed to the trust fund, including income and capital gains earned therefrom, shall be used exclusively for state library programs as defined in the articles, bylaws, resolutions, and other instruments executed on behalf of the Hawaii state library foundation or by the state librarian. The trust fund may receive any and all types of private contributions, and the income and capital gains earned by the fund; provided that funds or properties donated for library use and patrons' deposits shall be deposited and accounted for in accordance with rules adopted by the comptroller. The trust fund shall be subject to the following restrictions:

- (1) All funds, and the income and capital gains earned by investment of those funds, shall be expended only for the support of state library programs; and
- (2) Other restrictions imposed by the legislature with respect to the transfer or appropriation of funds.

(b) Any funds deposited in the trust fund, and any income and capital gains earned therefrom, not used for state library

programs, shall be invested in accordance with the provisions of the articles, bylaws, resolutions, or other instruments executed on behalf of the Hawaii state library foundation, and in a manner intended to maximize the rate of return on investment of the fund.

(c) If the trust fund is terminated or the Hawaii state library foundation is dissolved, all funds, including the income and capital gains earned by the investment of funds, shall be distributed in accordance with the articles and bylaws of the Hawaii state library foundation.

(d) The Hawaii state library foundation shall require an annual audit of the trust fund, the results of which shall be submitted to the board of education and the legislature not more than thirty days after receipt by the foundation. The foundation shall retain for a period of three years, any documents, papers, books, records, and other evidence that is pertinent to the trust fund, and permit inspection or access thereto by the board of education, the state librarian, the department of accounting and general services, state legislators, and the state auditor, or their duly authorized representatives.

(e) The purpose of this section is to create by statute a private charitable trust fund to financially support state library programs. The trust fund shall be subject to the terms and conditions provided in this section. The trust fund shall not be placed in the state treasury and the State shall not administer the fund nor be liable for its operation or solvency. The fund shall be a private charitable trust fund administered by a private trust company as trustee. [L 1993, c 328, §1; am L 2000, c 4, §2; am L 2012, c 308, §3]

" **§312-3.8 Use of public library facilities.** (a) Notwithstanding any law to the contrary, the head librarian of each library branch may request the issuance of licenses, revocable permits, concessions, or rights of entry to:

- (1) The Friends of the Library of Hawaii;
- (2) Affiliates of the Friends of the Library of Hawaii, through and with approval of the Friends of the Library of Hawaii; and
- (3) Any tax-exempt nonprofit organization recognized by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code whose primary purpose is to support a state library branch,

for the use of public library system facilities and grounds, with the approval of the state librarian, in consultation with the board of education, for such periods of use as deemed

appropriate by the state librarian. The state librarian shall administer any licenses, revocable permits, concessions, or rights of entry issued pursuant to this section. All such dispositions, including those in excess of fourteen days, need not be approved by the board of land and natural resources; provided that approval by the board of land and natural resources shall be required when such dispositions are for periods in excess of one year.

(b) Notwithstanding any law to the contrary, all net proceeds received by the Friends of the Library of Hawaii from the operation of any concession, vending machine, or other activity through a state-wide contract within, or on the grounds of, any state library facility shall be deposited into the Friends of the Library of Hawaii trust fund. All funds deposited into the trust fund, including income and capital gains earned therefrom, shall be used exclusively for state library programs.

(c) Notwithstanding any law to the contrary, all net proceeds received by the Friends of the Library of Hawaii, an affiliate of the Friends of the Library of Hawaii, or any nonprofit organization from the operation of any concession, vending machine, or other activity within, or on the grounds of, any state library facility shall be deposited into an account in a federally insured financial institution, with such account being held in that organization's name and controlled exclusively by that organization, which shall have sole authority and discretion in the disbursement of its funds. All funds deposited into the account, including income and capital gains earned therefrom, shall be used exclusively for the state library or libraries that the Friends of the Library of Hawaii, affiliate of the Friends of the Library of Hawaii, or nonprofit organization is organized to support.

(d) No later than September 30 of each year, the Friends of the Library of Hawaii and any nonprofit organization that has been issued a license, revocable permit, concession, or right of entry for the use of state public library system facilities and grounds shall submit to the state librarian an annual financial statement. The annual financial statement shall include:

- (1) The name and address of any financial institution in which the net proceeds from the operation of any concession, vending machine, or other activity within, or on the grounds of, any state library facility were deposited and held;
- (2) The name of any account, account number, and balance of all such accounts;
- (3) A reasonable description of deposits into the account; and

- (4) A reasonable description of withdrawals and disbursements including how the withdrawals and disbursements were used to support the appropriate state library.

The annual financial statement of the Friends of the Library of Hawaii shall include the financial statements, satisfying the criteria set forth above, of all of its affiliates that were issued a license, revocable permit, concession, or right of entry for the use of state library system facilities and grounds.

(e) The Friends of the Library of Hawaii, affiliates of the Friends of the Library of Hawaii, and any nonprofit organization that receives net proceeds from the operation of any concession, vending machine, or other activity within, or on the grounds of, any state library facility shall keep true and accurate records as to their activities in a form that will accurately provide support for the information required by this section. Upon demand, the records shall be made available to the state librarian for inspection. Records shall be retained for a period of not less than five years.

(f) The state librarian shall, upon ten days notice, revoke any license, permit, concession, or right of entry issued if the Friends of the Library of Hawaii, any affiliate of the Friends of the Library of Hawaii, or any tax-exempt nonprofit organization recognized by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code whose primary purpose is to support a state library branch fails to comply with any provision of this section, including the submission of an annual financial statement. The state librarian may, at the state librarian's discretion, in consultation with the board of education, re-issue a license, permit, concession, or right of entry upon compliance with this section.

(g) For purposes of this section:

"Affiliate of the Friends of the Library of Hawaii" means any organization or entity that enters into a written agreement with the Friends of the Library of Hawaii to be an affiliate. The affiliate is not required to be recognized by the Internal Revenue Service as a tax-exempt nonprofit organization.

"Net proceeds" means all revenue generated from the operation of any concession, vending machine, or other activity within, or on the grounds of, any state library facility minus the costs incurred in generating those revenues, including but not limited to payments to third-party vendors and any expenses associated with operating the organization.

(h) The board of education may adopt rules pursuant to chapter 91 to carry out the purpose of this section. [L 1994, c 57, §1; am L 2001, c 106, §1; am L 2012, c 308, §4]

" **[§312-3.9] Selection and acquisition of library books.**

(a) The board of education shall take all steps possible in any outsourcing contract in effect on July 1, 1997, including the development and implementation of necessary procedures, to ensure formal involvement by the state public service librarians in the selection of books and other library materials.

(b) Upon termination of any outsourcing contract in effect on July 1, 1997, decisions regarding the selection of books and other resources on behalf of the state library system that require the expenditure of public moneys shall be performed internally by the public service librarians of the state library system. The state librarian may contract with external sources for the purchase of books and other resources selected by the public service librarians. The state librarian shall be responsible for books or other resources acquired on behalf of the state library system. [L 1997, c 252, §2]

Revision Note

"July 1, 1997" substituted for "the effective date of this Act".

" **§312-4 REPEALED.** L 1993, c 328, §3.

" **[§312-4.5] Disposition of fines and related income.**

Unless otherwise provided by law, income from the operation of libraries that are financially supported by the State shall be deposited with the director of finance to the credit of the general fund; provided that moneys or properties donated for library use and patrons' deposits shall be deposited and accounted for in accordance with rules adopted by the comptroller. [L 1994, c 57, §2]

" **§312-4.6 Cost-recovery fees for the administration of Hawaii state public library system.** (a) The state librarian may charge and add a fee to any amount due in accordance with the state librarian's duties and powers under section 312-2.1(d) for:

- (1) Any cost or expense incurred by the Hawaii state public library system as a result of any action taken to enforce the collection of costs of lost books and any overdue fines and fees charged to that patron after the public library system has mailed written notice demanding payment and advising that continued failure to pay the amount due may result in collection

action being taken, including the imposition of cost-recovery fees, not to exceed \$10, pursuant to this section. Any cost-recovery fee charged against the patron for costs, fees, and other charges may include collection agency fees, attorneys' fees, court filing fees, and similar fees incurred by the Hawaii state public library system in connection with the collection action;

- (2) Hawaii public library system sponsored seminars or workshops, including educational materials in various media format; and
- (3) Research and reference materials published on magnetic media, CD-ROM, or other digital or electronic form.

(b) Interest shall not accrue with respect to any fee under this section.

(c) Notwithstanding any other provisions under this chapter, whenever a patron makes a partial payment of a particular delinquent amount, the amount received by the Hawaii state public library system shall first be credited to the fees charged under this section, in the order the fees were charged.

(d) The state librarian shall prescribe the procedures relating to:

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

(e) The state librarian may waive any fee imposed by the Hawaii state public library system under chapter 312 in cases of hardship as prescribed by rules adopted under chapter 91.

(f) Upon its collection, the cost-recovery fee shall be deposited into the libraries special fund established by section 312-3.6 and shall be expended as prescribed by law. [L 1999, c 231, §2; am L 2015, c 26, §§5, 6]

" **§312-5 Annual report to the governor.** Annually during the month of July but as of June 30 preceding, the state librarian shall report to the governor the moneys received from all sources and expended for all purposes during the preceding year, and any other matters pertaining to the libraries which it may deem important, or the governor may require. [L 1909, c 83, §5; RL 1925, §420; RL 1935, §803; am L 1937, c 33, §1; RL 1945, §1914; RL 1955, §45-4; am L Sp 1959 2d, c 1, §18; HRS §312-5; am L 1981, c 150, §10; am L 2015, c 26, §7]

Cross References

Annual reports, see §93-12.

" **§312-6 REPEALED.** L 2012, c 135, §3.

" **[§312-7] Job-sharing.** (a) A job-sharing program is established within the public library system, subject to the requirements of this section.

(b) The state librarian shall announce the job-sharing program to all full-time employees of the public libraries and shall solicit the voluntary requests of such personnel who may be interested in participating in the job-sharing program.

The state librarian, in consultation with the recognized employee bargaining units, shall formulate and adopt guidelines for the implementation of this section. Employees who respond to the announcement and others who may request information shall receive a full written description of the terms of the program when the guidelines are finalized and those desiring to participate may apply to participate in the program. The employees who apply for participation shall obtain the concurrence of their immediate supervisor, other appropriate personnel officers, and the state librarian. Those who qualify shall then be interviewed by a personnel officer of the public library system.

Upon the selection of a permanent, full-time employee for job-sharing, the state librarian shall convert the position of the employee into two job-sharing positions, one of which shall be filled by the employee, and the other which shall be filled by either another permanent employee or by the hiring of a new hire.

A person hired to fill a job-sharing position shall be recruited according to civil service recruitment procedures and shall possess the minimum requirements of the full-time position which was converted into a job-sharing position under this section.

(c) Job-sharing is the voluntary sharing of a full-time, permanent employee's position with another employee, with each working one-half of the total number of hours of work required and performing one-half of the work required of the respective full-time position, and with each receiving one-half of the salary to which each is respectively entitled and at least one-half of each employee benefit afforded to full-time employees.

The full-time, permanent employee shall not lose membership in an employee bargaining unit because of participation in this program, any law to the contrary notwithstanding. Union membership or service fees paid by job-sharers under this section shall be at a level consistent with usual union membership dues or service fees. The State's contribution to a job-sharer's prepaid health, prepaid dental, and any group life insurance plans shall be the same as for full-time employees, any other provision of the law to the contrary notwithstanding. Job-sharers shall be covered by chapter 386 and the applicable provisions of chapter 383. Nothing in this section shall be construed to vest any person with any rights to permanent employment status, whether under civil service or otherwise, which did not exist prior to the participation of the person in the job-sharing program. No full-time position shall be abolished or reduced to a half-time position except for the purpose of job-sharing. In a reduction-in-force procedure, consideration of a job-sharer's rights shall be on the same basis as that of a full-time employee. Nothing in this section shall impair the employment or employment rights or benefits of any employee.

(d) No job-sharing position committed to a specified period of time under the terms of the contractual agreement shall be converted to full-time status before the termination of the contractual agreement. A job-sharing vacancy created by the resignation, retirement, or other permanent or temporary severance of employment with the public library system on the part of any person may be filled through increasing the remaining half-time job-sharing person to full-time employment by mutual agreement, or recruitment of another person pursuant to this section.

(e) Upon the termination of the contractual agreement, all job-sharing positions shall be reconverted to full-time positions, and the employees who held the full-time positions prior to their participation in the job-sharing program under this section shall be entitled to resume their positions without loss of employee rights. [L 1986, c 88, §1]

" **§312-8 Literacy and lifelong learning program.** (a) In addition to its other duties, the board of education, through the state librarian, shall:

- (1) Provide for the establishment and ongoing operation of a literacy and lifelong learning program for the public libraries in the State;
- (2) Provide coordination and facilitation of the activities of literacy service providers and literacy programs in the public, private, and volunteer sectors; and
- (3) Develop public-private sector literacy partnerships for literacy program support.

(b) The objectives of the literacy and lifelong learning program shall be to provide programmatic activities that promote intergenerational learning and well-being by improving parents' skills and attitudes toward education; increasing children's learning skills; enhancing parenting skills; and uniting adults and children in positive educational experiences.

(c) The literacy and lifelong learning program shall not affect existing department of education programs relating to adult education as provided under sections 302A-432 to 302A-435. [L 1993, c 361, pt of §1; am L 1996, c 89, §13; am L 1997, c 310, §1; am L 2001, c 109, §1]

" **§§312-9, 10 REPEALED.** L 2001, c 109, §§2, 3.

"[PART II.] FEE FOR ENHANCED SERVICES PROGRAM

Note

Part designation added by L 1993, c 327, §1 and amended by L 1993, c 327, §3; L 1996, c 144, §2; L 1999, c 29, §2; L 2001, c 107, §2.

§312-21 Fee for enhanced services program; established.

(a) The state librarian shall:

- (1) Provide for the establishment and ongoing operation of a fee for enhanced service program, which includes but is not limited to the planning, programming, and budgeting of operating, research and development, and capital investment programs; and
- (2) Administer a special fund to be known as the "library fee for enhanced services special fund".

(b) Notwithstanding sections 312-3.6 and 312-4, all moneys collected through the fee for enhanced services program shall be deposited into the library fee for enhanced services special fund established under section 312-22.

(c) The state librarian, with the approval of the board of education, shall determine the types and kinds of enhanced services to be included under the fee for enhanced services program; provided that a schedule of fees for these enhanced services shall be adopted in accordance with chapter 91. Libraries shall not be obligated to offer all of the services specified in the fee for enhanced services program, and each public library shall determine which services it will provide. [L 1993, c 327, pt of §1; am L 2015, c 26, §8]

Note

Section 312-4 referred to in text is repealed.

" **§312-22 Library fee for enhanced services special fund.**

(a) There is established in the state treasury the library fee for enhanced services special fund into which shall be deposited all moneys collected pursuant to section 312-21 and any fee schedules adopted pursuant thereto.

(b) The special fund shall be administered by the state librarian who, after consultation with the library advisory committee, shall determine the annual amount that each public library shall receive. Allocations shall be based on the balance in the special fund on the first day of each fiscal year and made in quarterly installments not more than thirty days after the close of each fiscal quarter.

(c) Moneys allocated from the special fund shall be used by each public library to operate its fee for enhanced services program. Each library shall post in a conspicuous place a list of expenditures made by the library from the special fund during the preceding fiscal quarter.

(d) The state librarian shall submit an annual report on the status of the special fund. The report shall include information about:

- (1) Deposits made into the fund and the source of these deposits;
- (2) Allocations to each public library, including allocations established for both the fiscal year covered by the annual report and the subsequent fiscal year;
- (3) Descriptions and amounts of the expenditures made from the fund;
- (4) The balance remaining in the fund on June 30 of each year;
- (5) Financial information regarding receipt sources by individual libraries; and

(6) Actual expenditure of receipts by individual libraries.

The report shall be submitted to the legislature and the governor not later than twenty days prior to the convening of each regular session. [L 1993, c 327, pt of §1; am L 1999, c 45, §2]