
A BILL FOR AN ACT

RELATING TO PUBLIC LIBRARIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 312, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§312- Pilot program for lease of public library land.

5 (a) There shall be established a pilot program for the lease of
6 public library land, including facilities. The state librarian,
7 in consultation with the board of education and any other
8 appropriate agency, shall serve as the facilitator of the pilot
9 program.

10 (b) Notwithstanding section 171-13, or any other law to
11 the contrary, the board of education may lease public library
12 land on terms it deems appropriate, including a leaseback of all
13 or a portion of the improvements constructed; provided that:

14 (1) The board may identify and select up to five public
15 library land sites as candidates for participation in
16 the pilot program; provided that:



- 1 (A) During the identification and selection process,
2 the board shall be subject to chapter 92, shall
3 hold at least one public meeting in each affected
4 community, and shall foster library and community
5 participation; and
- 6 (B) If the site is on land owned by the county, the
7 department of education shall consult with the
8 county;
- 9 (2) The board of education may lease no more than three
10 public library land sites identified and selected by
11 the board pursuant to paragraph (1) under leases for a
12 term of not more than fifty-five years per lease,
13 unless extended pursuant to section 171-36, to lessees
14 who shall be required to modify, construct, or utilize
15 facilities to meet the mission of the public
16 libraries, in accordance with specific request for
17 proposal or request for information guidelines;
- 18 (3) Each lease shall stipulate that the lessee may retain
19 any revenue generated from the facilities; provided
20 that:



- 1 (A) The lessee shall be obligated to maintain and
2 operate the facilities to meet the mission of the
3 public libraries for the length of the lease;
- 4 (B) The lessee shall be obligated to pay to the
5 county all applicable property taxes on the value
6 of any improvements;
- 7 (C) A leasehold premium may be charged to the lessee
8 for the right to use the public library land
9 based on a competitive process that complies with
10 applicable sections of chapter 103D;
- 11 (D) Upon the expiration of the lease, the facilities
12 shall revert to the board; and
- 13 (E) All revenues and proceeds derived by the State
14 under this section shall be deposited in the
15 library facilities fund pursuant to subsection
16 (f); and
- 17 (4) Notwithstanding any law to the contrary, the board of
18 education may enter into leaseback agreements that
19 allow the board to lease or sublease the property to a
20 third party. The board may lease back the property
21 from the third-party lessee or sublessee for a



1 contractual period of time, after which the department
2 shall own any improvements.

3 (c) Any redevelopment involving nonlibrary purposes shall:

4 (1) Comply with county plans, ordinances, and zoning and
5 development codes; and

6 (2) Acquire all required government approvals and permits.

7 (d) Nothing in this section shall preclude the state
8 librarian or the board of education from working with and
9 receiving assistance from any other department or agency in
10 carrying out the purposes of this section.

11 (e) Any lease entered into by the board pursuant to
12 subsection (b) shall be fully executed no later than ten years
13 from July 1, 2018.

14 (f) There is established in the state treasury the library
15 facilities fund. All proceeds from the leases, permits,
16 interest income generated from public library lands, and other
17 revenue generated from the nonpermanent disposition of public
18 library lands, including facilities, pursuant to this section
19 shall be deposited into the library facilities fund. Except as
20 otherwise provided by law, all moneys in the library facilities
21 fund shall be used for state library programs."



1 SECTION 2. The board of education shall submit a report to
2 the legislature no later than twenty days prior to the convening
3 of the regular session of 2020 and each regular session
4 thereafter until the completion of each project authorized
5 pursuant to this Act. The report shall provide the following:

6 (1) A timeline for the pilot program pursuant to this Act,
7 including but not limited to:

8 (A) A timeline for the redevelopment of each selected
9 site;

10 (B) An estimated start and completion date for each
11 selected site; and

12 (C) Estimates for the time required to obtain any
13 necessary county or state approvals required to
14 complete the redevelopment of each site;

15 (2) A summary of the state librarian's and board of
16 education's activities, results, and recommendations
17 to optimize the use of public library lands as a means
18 to meet the mission of the public libraries;

19 (3) A summary of all library and community engagement
20 efforts undertaken or that will be undertaken by the



1 department of education in carrying out the pilot
2 program pursuant to this Act;

3 (4) A summary of the state librarian's and board of
4 education's current and projected budgeted expenses,
5 including the identification of any contracts with
6 third parties and the creation of temporary positions
7 within the department in carrying out the pilot
8 program pursuant to this Act;

9 (5) A summary of any capacity and funding issues or
10 challenges the state librarian or board of education
11 has encountered in carrying out the pilot project
12 pursuant to this Act; and

13 (6) Any proposed legislation.

14 SECTION 3. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2018-2019 for
17 the public library lands pilot program established pursuant to
18 section 1 of this Act.

19 The sum appropriated shall be expended by the Hawaii state
20 public library system for the purposes of this Act.



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2018-2019 for
4 the hiring of experts in land development issues.

5 The sum appropriated shall be expended by the Hawaii state
6 public library system for the purposes of this Act.

7 SECTION 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2050.



S.B. NO. 2919
S.D. 2

Report Title:

Public Library Lands; Leases; BOE; Appropriation

Description:

Establishes a pilot program to generate revenue through the lease of public library lands to meet the mission of the public libraries. Establishes the library facilities fund. Requires the state librarian and board of education to report to the legislature. Makes appropriations for the pilot program and the hiring of land development experts. Effective 7/1/2050. (SD2)

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



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**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

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ADMINISTRATIVE AND RESEARCH OFFICE
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WRITTEN ONLY

**TESTIMONY BY LAUREL A. JOHNSTON
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEES ON EDUCATION AND WATER AND LAND
ON
SENATE BILL NO. 2919, S.D. 2**

**March 21, 2018
2:00 p.m.
Room 309**

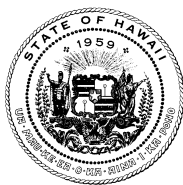
RELATING TO PUBLIC LIBRARIES

Senate Bill (S.B.) No. 2919, S.D. 2, amends Chapter 312, HRS, by adding a new section to establish a pilot program for the lease of public library land, including facilities. The measure specifies that the State Librarian, in consultation with the Board of Education (BOE) and any other appropriate agency, serves as the facilitator of the pilot program. The measure also specifies that the BOE may lease public library land on terms it deems appropriate, including a leaseback of all or a portion of the improvements constructed.

S.B. No. 2919, S.D. 2, also establishes the Library Facilities Fund and provides that all proceeds from the leases, permits, interest income generated from public library lands, and other revenues generated from the nonpermanent disposition of public library lands, including facilities, shall be deposited into the fund. The measure provides that all moneys in the Libraries Facilities Fund shall be for State Library programs. In addition, the measure makes unspecified appropriations of general funds for FY 19 for the pilot program and for the hiring of experts in land development issues to be expended by the Hawai'i State Public Library System.

With regards to S.B. No. 2919, S.D. 2, we offer the following comments. The measure is unclear if the Library Facilities Fund is being established as a special fund. The Department of Budget and Finance, as a matter of general policy, does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to S.B. No. 2919, S.D. 2, it is difficult to determine if the proposed (special) fund would be self-sustaining.

Thank you for your consideration of our comments.



DAVID Y. IGE
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**HOUSE COMMITTEE ON EDUCATION
and
HOUSE COMMITTEE ON WATER & LAND**

**Wednesday, March 21, 2018
2:00 p.m.
Conference Room 309
State Capitol**

**By
Stacey A. Aldrich
State Librarian**

S.B. 2919, S.D.2 – Relating to Public Libraries

To: Chair Woodson, Vice-Chair Kong and Members of the Committee on Education

Chair Yamane, Vice-Chair Todd and Members of the Committee on Water & Land

Senate Bill (S.B.) 2919, S.D.2 establishes a pilot program to generate revenue through the leasing of public library lands, establishes a libraries facilities fund and makes an unspecified appropriation for the pilot program. The Hawaii State Public Library System (HSPLS) supports the intent of S.B. 2919 and provides the following comments.

In general, the HSPLS supports the intent to identify revenue generating programs to meet the mission of the public library system. The HSPLS notes, however, that it currently does not hold title to the lands under which the public libraries sit, nor that it has the expertise necessary to guide the HSPLS through a pilot program which involves the redevelopment, and leasing and management of library lands.

Although unspecified at this time, the HSPLS appreciates and supports provision for an appropriation which would to allow HSPLS to hire expertise to assist with land development issues.

Thank you for the opportunity to comment on this measure.

SB-2919-SD-2

Submitted on: 3/15/2018 1:18:55 PM

Testimony for EDN on 3/21/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Healani Sonoda-Pale	Ka Lahui Hawaii Political Action Committee	Oppose	No

Comments:

SB-2919-SD-2

Submitted on: 3/20/2018 1:58:06 PM

Testimony for EDN on 3/21/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

SB-2919-SD-2

Submitted on: 3/15/2018 10:57:15 AM

Testimony for EDN on 3/21/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

LATE

TESTIMONY

LATE

BEFORE THE HOUSE COMMITTEES ON EDUCATION AND WATER & LAND

March 21, 2018
House Bill 2919SD2
Relating to Public Libraries

LATE

LATE

Aloha Chairs Woodson and Yamane, Vice Chairs Kong and Todd and Members of the Committees,

My name is Diane Marshall. Today I am speaking on behalf of FEED THE STREET (FTS) and as a member of KPAC-KaLahui Political Action Committee.

I am STRONGLY OPPOSED to SB2919SD2.

This bill was suspiciously introduced early 2018...less than a month AFTER FEED THE STREETS' Holiday Meal Celebration, held on the back lawn of the Hawaii State Library.

FTS is a casual group of friends, farmers, non-profits, charities and organizations who support me through donations of food, clothing, blankets, pillows, personal hygiene items, toiletries, shoes, socks and other basic human needs to help or houseless, newly housed and soon to be housed friends.

Over 6 years ago, I started cooking for Honolulu's houseless population with FOOD NOT BOMBS at Thomas Square every Sunday evening.

I started FEED THE STREET to insure that at least 2 healthy vegetable filled meals per week were available to our hungry houseless friends. FTS has fed an average of 60 to 100+ people once every week since January 5th of 2017 on the lawn of the Hawaii State Library until the librarians kicked us out of the FRONT lawn because the "regular people" complained" about the homeless population EATING in the front. FEED THE STREET moved to the BACK lawn of the State Library and continued to feed our houseless until December 20th when we served almost 250 hungry friends, ALL from community DONATIONS in the pouring rain!

Aside from how SB2919SD2 directly affects FTS, this bill is another example of GENTRIFICATION and COMMERCIALIZATION of PUBLIC LANDS!

Thomas Square, Ala Moana, Kakaako, Honolulu, even OCCC lands are all being commercialized for the newly arrived rich living in the gentrified condos that MOST local families CAN NOT afford! BIKI-a City & County Non-profit has EXCLUSIVE, PERMANENT use of PUBLIC Parking spaces, PUBLIC sidewalks and PUBLIC park lands...
NOW you want to LEASE PUBLIC Library lands!

I strongly urge you to PLEASE consider the hard working-taxpaying PUBLIC when making these decisions.

WE should NOT have to PAY for rest and relaxation or access to PUBLIC spaces!

The PUBLIC should NOT have to suffer ANY inconveniences so the state can make more MONEY.

The library should NOT have to generate funds for their own maintenance.

Mahalo nui loa for your time,

Diane Marshall
FEED THE STREET
kianamar73@gmail.com