

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2994
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Education, to which was referred S.B.
No. 2994 entitled:

"A BILL FOR AN ACT RELATING TO STATE LIBRARIES,"

begs leave to report as follows:

The purpose and intent of this measure is to require the State Librarian to issue licenses, revocable permits, concessions, or rights of entry, for a discretionary period, to the Friends of the Library of Hawaii and any 501(c)(3) corporations that exist for the purpose of supporting a library within the Hawaii State Public Library System.

Your Committee received testimony in support of this measure from the Kuli'ou'ou/Kalani Iki Neighborhood Board #2 and one hundred thirty-one individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Public Library System, Friends of the Library of Hawai'i; Friends of the Libraries, Kona; and fourteen individuals.

Your Committee finds that under existing law, the State Librarian may issue licenses, revocable permits, concessions, and rights of entry to only two entities: the Hawaii State Library Foundation and Friends of the Library of Hawaii. Your Committee is concerned that allowing exclusive use of state facilities creates a special privilege for specific private entities even though other private entities may be able to provide an equal or greater benefit to the Hawaii State Public Library System if given an equal opportunity to participate. In addition, your Committee




believes that the original intent of the existing law was not to create exclusive-use privileges but rather to encourage greater private-public partnerships to benefit the Hawaii State Library System.

Your Committee has amended this measure by:

- (1) Amending language to require the head librarian of each branch, rather than the State Librarian, to issue the licenses, revocable permits, concessions or rights of entry for that library's facilities and grounds; provided that the head librarian shall obtain the prior approval of the State Librarian;
- (2) Changing the effective date to June 1, 2030, to ensure further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2994, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2994, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Education,



JILL TOKUDA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Education
EDU

Bill / Resolution No.:* SB2994	Committee Referral: EDU, WAM	Date: 2-15-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.			✓	
TANIGUCHI, Brian T.		✓		
SLOM, Sam	✓			
TOTAL	4	1	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes