

JAN 23 2015

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
2 forth the duties and responsibilities of the board of education.
3 This Act makes housekeeping changes to codify the long-standing
4 board of education and Hawaii state public library system
5 practice of delegating certain duties and responsibilities,
6 which were initially assigned to the board of education, to the
7 state librarian and the Hawaii state public library system.

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

11 "§312- State librarian; appointment; duties. The state
12 librarian shall collect, purchase, receive gifts of, and
13 otherwise acquire all books and other publications proper for
14 libraries, and arrange, classify, and catalog the same; provide
15 for their safekeeping; expend moneys appropriated by the
16 legislature and otherwise acquired for the development, use,
17 support, and maintenance of libraries; provide ways and means



1 for placing libraries within reach of all residents throughout
2 the State and particularly of all public and private school
3 children; provide and maintain branch libraries, offices, or
4 places for the distribution of books and periodicals throughout
5 the State; enter into contracts as may be necessary to carry
6 into effect the general duties herein imposed; appoint such
7 officers and employees as deemed necessary, all of whom shall be
8 under the authority of the governor for purposes of chapters 76,
9 78, 89, and 89C; and adopt rules for the management and use of
10 libraries, and for the control of the property under its
11 management."

12 SECTION 3. Section 312-1, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§312-1 Duties of the board of education.** The board of
15 education shall care for, manage, and control all property set
16 apart, donated, loaned to, or in any manner acquired for the use
17 of libraries; and receive, care for, expend, and account for any
18 money which may be received for the purpose of erecting
19 buildings for libraries or for any other purposes of the
20 libraries[; ~~collect, purchase, receive gifts of, and otherwise~~
21 ~~acquire all books and other publications proper for libraries,~~



~~1 and arrange, classify, and catalogue the same; provide for their
2 safekeeping; expend moneys appropriated by the legislature and
3 otherwise acquired for the development, use, support, and
4 maintenance of libraries; provide ways and means for placing
5 libraries within reach of all residents throughout the State and
6 particularly of all public and private school children; provide
7 and maintain branch libraries, offices, or places for the
8 distribution of books and periodicals throughout the State; make
9 such contracts as may be necessary to carry into effect the
10 general duties herein imposed; appoint such officers and
11 employees as it deems necessary; and make rules for the
12 management and use of libraries, and for the control of the
13 property under its management]."~~

14 SECTION 4. Section 312-2, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§312-2 Powers of board; special fund.** The board of
17 education may:

- 18 (1) Except as provided in section 312-3.9, make
19 arrangements or contracts as are approved by the
20 governor, with any county, city, association, society,



1 person, or persons, for the purpose of benefiting the
2 libraries and increasing their facilities and use;

3 (2) Subject to section 26-12, enter into such arrangement
4 or contract as is approved by the governor, with the
5 Friends of the Library of Hawaii, affiliates of the
6 Friends of the Library of Hawaii, and any tax-exempt
7 nonprofit organization recognized under section
8 501(c)(3) of the Internal Revenue Code whose primary
9 purpose is to support a state library branch for the
10 purpose of obtaining the use of the books and property
11 and income of the Friends of the Library of Hawaii,
12 its affiliates, and such tax-exempt nonprofit
13 organizations;

14 (3) Cooperate by exchange and otherwise with libraries now
15 existing or hereafter to be formed;

16 (4) Receive, use, manage, or invest moneys or other
17 property, real, personal, or mixed which may be given,
18 bequeathed, devised, or in any manner received from
19 sources other than the legislature or any federal
20 appropriation for any or all purposes of the
21 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 ~~[board]~~ 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."

SECTION 5. Section 312-4.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:



1 "(a) The [~~board of education~~] state librarian may charge
2 and add a fee to any amount due in accordance with [~~its~~] the
3 state librarian's duties and powers under section [~~312-1~~] 312-
4 for:

- 5 (1) Any cost or expense incurred by the Hawaii state
6 public library system as a result of any action taken
7 to enforce the collection of costs of lost books and
8 any overdue fines and fees charged to that patron
9 after the public library system has mailed written
10 notice demanding payment and advising that continued
11 failure to pay the amount due may result in collection
12 action being taken, including the imposition of cost-
13 recovery fees, not to exceed \$10, pursuant to this
14 section. Any cost-recovery fee charged against the
15 patron for costs, fees, and other charges may include
16 collection agency fees, attorneys' fees, court filing
17 fees, and similar fees incurred by the Hawaii state
18 public library system in connection with the
19 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 [~~machine-readable~~] digital or electronic form."

2. By amending subsection (d) to read:

"(d) The [~~board of education~~] 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."

SECTION 6. Section 312-5, Hawaii Revised Statutes, is amended to read as follows:

"§312-5 Annual report to the governor. Annually during the month of July but as of June 30 preceding, the ~~[board of education]~~ 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."

SECTION 7. Section 312-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The ~~[board of education, through 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



1 budgeting of operating, research and development, and
2 capital investment programs; and

3 (2) Administer a special fund to be known as the "library
4 fee for enhanced services special fund".

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY:

Michelle Sedani



S.B. NO. 855

Report Title:

Hawaii State Public Library System; State Librarian

Description:

Clarifies duties and powers of the Board of Education, State Librarian, and State Public Library System.

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