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# A BILL FOR AN ACT

RELATING TO PUBLIC LIBRARIES.

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

1       SECTION 1.   Section 312-2, Hawaii Revised Statutes, is  
2 amended by amending paragraph (5) 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, affiliates of the  
13           Friends of the Library of Hawaii, and any tax-exempt  
14           nonprofit organization recognized under section  
15           501(c)(3) of the Internal Revenue Code whose primary  
16           purpose is to support a state library branch for the  
17           purpose of obtaining the use of the books and property  
18           and income of the Friends of the Library of Hawaii,

1 its affiliates, and such tax-exempt nonprofit  
2 organizations;

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

5 (4) Receive, use, manage, or invest moneys or other  
6 property, real, personal, or mixed which may be given,  
7 bequeathed, devised, or in any manner received from  
8 sources other than the legislature or any federal  
9 appropriation for any or all purposes of the  
10 libraries;

11 (5) Deposit with the director of finance in [a] the library  
12 special fund all moneys donated to the board for  
13 library services;

14 (6) Unless otherwise provided for by the terms and  
15 conditions of the donation, convert, at such time as  
16 the board may at its sole discretion determine, any or  
17 all donations of property, real, personal, or mixed,  
18 into money to be deposited into the special fund; and

19 (7) Expend the moneys in the special fund in accordance  
20 with the terms and conditions of each donation for the  
21 purposes of the libraries.

22 The board shall be the trustee of the special fund and all  
23 moneys therein shall be deemed to have been appropriated to the

1 use and for the purposes of the Hawaii state public library  
2 system in providing library services. Nothing in this section  
3 shall be construed to limit the powers and duties of the board  
4 hereinbefore expressed, or to empower the board to obligate the  
5 State financially in any sum which shall not have been  
6 appropriated by the legislature for the use of the board."

7 SECTION 2. Section 312-3.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§312-3.5 Detention of [books and other] public library  
10 materials; penalty. A person who detains [~~a book, newspaper,~~  
11 ~~plate, picture, photograph, engraving, painting, drawing, map,~~  
12 ~~magazine, document, letter, government record, microform, sound~~  
13 ~~recording, audio visual materials in any format, magnetic or~~  
14 ~~other tapes, artifacts, or other documentary (written or~~  
15 ~~printed]~~ any public library materials belonging to any  
16 community/school or public library [~~or similar institution~~  
17 ~~controlled by the State]~~ for one day after the due date of the  
18 public library materials, shall be subject to a nominal charge  
19 established by the board of education.

20 A person detaining [~~such books or]~~ public library  
21 materials thirty days or more after the due date of such  
22 materials shall be subject to a charge commensurate with the  
23 replacement value of the [~~books or]~~ public library materials."

1       SECTION 3. Section 312-21, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) and (b) to read as follows:

3       "(a) The state librarian shall:

4       (1) Provide for the establishment and ongoing operation of  
5 a fee for [an] enhanced [~~service~~] services program,  
6 which includes but is not limited to the planning,  
7 programming, and budgeting of operating, research and  
8 development, and capital investment programs; and

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

11       (b) Notwithstanding section 312-3.6 [~~and 312-4~~], all  
12 moneys collected through the fee for enhanced services program  
13 shall be deposited into the library fee for enhanced services  
14 special fund established under section 312-22."

15       SECTION 4. Section 312-22, Hawaii Revised Statutes, is  
16 amended by amending subsections (b) and (c) to read as follows:

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

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1 (c) Moneys allocated from the special fund shall be used  
2 by each community/school or public library to operate its fee  
3 for enhanced services program. Each library shall post in a  
4 conspicuous place a list of expenditures made by the library  
5 from the special fund during the preceding fiscal quarter."

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

8 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

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# H.B. NO. 2353

**Report Title:**

Hawaii State Public Library System

**Description:**

Makes miscellaneous technical amendments to facilitate library operations.

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

JUSTIFICATION SHEET

DEPARTMENT: Education.

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES.

PURPOSE: Technical and housekeeping amendment.

MEANS: Amend sections 312-2, 312-3.5, 312-2 (a) and (b), and 312-22(b) and (c), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Technical and housekeeping amendments:

Section 1: Clarifies that funds donated to the Hawaii State Public Library System (HSPLS) should be deposited into the library special fund, rather than an unspecified special fund.

Section 2: The HSPLS collection now includes other types of library materials; the amendment will ensure that all library materials borrowed by the public may be subject to penalty if they are not returned.

Section 3: Technical corrections. Section 312-4, HRS, was repealed in 1993.

Section 4: Delete the requirement that the State Librarian consult with the library advisory committee prior to allocating funds to each community/school and public library to operate its enhanced services program. The Board of Education has not established the library advisory committee since the 1990's; the proposed amendment reflects current practice. Amendment allows for production of enhanced services program special fund expenditure information upon request, rather than mandating posting of the information; the proposed amendment reflects current practice.

Impact on the public: Minimal.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: Minimal.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon Approval.