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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 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



1 and income of the Friends of the Library of Hawaii,  
2 its affiliates, and such tax-exempt nonprofit  
3 organizations;

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

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

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

15 (6) Unless otherwise provided for by the terms and  
16 conditions of the donation, convert, at such time as  
17 the board may at its sole discretion determine, any or  
18 all donations of property, real, personal, or mixed,  
19 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."

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

"§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)]~~ any public library materials belonging to any community, school, or public library ~~[or similar institution]~~



1 ~~controlled by the State]~~ for one day after the due date of the  
2 public library materials, shall be subject to a nominal charge  
3 established by the board of education.

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

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

10 "(a) The state librarian shall:

11 (1) Provide for the establishment and ongoing operation of  
12 a fee for [an] enhanced [~~service~~] services program,  
13 which includes but is not limited to the planning,  
14 programming, and budgeting of operating, research and  
15 development, and capital investment programs; and

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

18 (b) Notwithstanding [~~sections~~] section 312-3.6 [~~and 312-~~  
19 4], all moneys collected through the fee for enhanced services  
20 program shall be deposited into the library fee for enhanced  
21 services special fund established under section 312-22."



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

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

10       (c)   Moneys allocated from the special fund shall be used  
11 by each community, school, or public library to operate its fee  
12 for enhanced services program.   Each library shall post in a  
13 conspicuous place a list of expenditures made by the library  
14 from the special fund during the preceding fiscal quarter."

15       SECTION 5.   Statutory material to be repealed is bracketed  
16 and stricken.   New statutory material is underscored.

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



**Report Title:**

Hawaii State Public Library System

**Description:**

Makes miscellaneous technical amendments to facilitate library operations. (SD1)

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

