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# A BILL FOR AN ACT

RELATING TO STATE LIBRARIES.

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

1       SECTION 1. The legislature finds that, prior to the  
2 establishment of the public library system under Act 150,  
3 Session Laws of Hawaii 1981 (Act 150), the State of Hawaii and  
4 department of education constructed twelve public and school  
5 libraries on school campuses across the State that were designed  
6 to serve both the students at the school campus and the  
7 community at large.

8       The legislature further finds that Act 150 established a  
9 statewide public library system under the oversight of the board  
10 of education. As part of the board of education's oversight,  
11 the state librarian assumed responsibility for all maintenance  
12 and improvements at the twelve public and school library  
13 buildings. However, since 1981, the Hawaii state public library  
14 system has been responsible for the costs of operating these  
15 twelve public and school library buildings, including repair and  
16 maintenance costs, but not costs related to the department of



1 education staff who support school library functions or other  
2 school-related expenses.

3 Accordingly, the purpose of this Act is to clarify the  
4 roles and responsibilities for the costs of capital improvement  
5 projects at the twelve public and school library facilities  
6 statewide. More specifically, this Act clarifies that after:

7 (1) The state librarian receives approval from the board  
8 of education to make capital improvements to a public  
9 and school library; and

10 (2) The legislature appropriates and authorizes the  
11 capital improvement funding;

12 the department of education shall work expeditiously in  
13 coordination with the state librarian or the librarian's  
14 designee to ensure timely expenditure and use of the  
15 appropriated moneys.

16 SECTION 2. Section 302A-1120, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[+]§302A-1120[+] **Public library system; board control.**

19 (a) The board, through the state librarian, shall have  
20 [direct]:



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1       (1) Direct control of the public library system, but not  
2           including school libraries[-]; and

3       (2) Exclusive authority over the development, use,  
4           support, improvement, and maintenance of public  
5           library system facilities pursuant to section 312-1.

6       (b) If land for which the board approves the development  
7       or expansion of a public library system facility is controlled  
8       by the board but is not exclusively under the jurisdiction of  
9       the public library system, the board may delegate to the state  
10       librarian exclusive control of the land to effectuate the  
11       purpose of the development or expansion; provided that moneys  
12       have been appropriated by the legislature for the development or  
13       expansion project.

14       (c) The board may adopt rules under chapter 91 for the  
15       purpose of this section."

16       SECTION 3. Section 302A-1506.2, Hawaii Revised Statutes,  
17       is amended to read as follows:

18       "**[+]§302A-1506.2[+]** **Property acquisition, use, and**  
19       **disposition.** (a) The department may acquire or contract to  
20       acquire by grant or purchase any real, personal, or mixed  
21       property or any interest therein for its immediate or future use



1 for public educational purposes, including lease revenues; and  
2 own, hold, improve, and rehabilitate any real, personal, or  
3 mixed property acquired, and sell, assign, exchange, transfer,  
4 convey, lease, or otherwise dispose of, or encumber the same;  
5 provided that the department shall incur all fees and costs  
6 associated with, and for, the subdividing of the land.

7 (b) The department may, by itself, or in partnership with  
8 qualified persons, acquire, construct, reconstruct,  
9 rehabilitate, improve, alter, or repair any infrastructure or  
10 accessory facilities in connection with any project; and own,  
11 hold, sell, assign, transfer, convey, exchange, lease, or  
12 otherwise dispose of, or encumber any project.

13 (c) The department may lease or rent all or a portion of  
14 any real property acquired for public educational purposes and  
15 establish and revise the rents or charges therefor. The  
16 department shall not sell any property, real or personal, or any  
17 interest therein, except to a government entity.

18 (d) The department may insure or provide for the insurance  
19 of its property or operations against risks as it deems  
20 advisable.



1        (e) Notwithstanding any other law to the contrary, if land  
2 is controlled by the department but the board has vested  
3 exclusive control in the state librarian pursuant to section  
4 302A-1120, the department shall cooperate expeditiously with the  
5 state librarian and public library system to effectuate any  
6 project authorized by the board.

7        [~~e~~] (f) For purposes of this section:

8        "Land" or "property" includes vacant land or land with site  
9 improvements, whether partially or entirely finished in  
10 accordance with governmental subdivision standards, or with  
11 complete dwellings.

12        "Public educational purposes" includes any use of the  
13 property, including revenue generation, that would benefit the  
14 department's mission to provide public education to students in  
15 the State.

16        "Real property" includes lands, land under water,  
17 structures, and any agreed upon easements, franchises, and  
18 incorporeal hereditaments and every estate and right therein,  
19 legal and equitable, including terms for years and liens by way  
20 of judgment, mortgage, or otherwise."



1       SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 3328

**Report Title:**

DOE; BOE; State Librarian; Hawaii State Public Library System;  
Public and School Library Facilities; CIP; Appropriated Funds

**Description:**

Clarifies the roles and responsibilities for capital improvement projects at the 12 dual-use public and school libraries statewide. Clarifies that, after the Board of Education authorizes the State Librarian to make capital improvements to a public and school library facility, and the Legislature appropriates funding for the project, the Department of Education shall work expeditiously with the State Librarian to ensure timely use of the appropriated moneys.

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