

JOSH GREEN, M.D.
GOVERNOR



ROY M. TAKUMI
CHAIRPERSON

**STATE OF HAWAI'I
BOARD OF EDUCATION
PAPA HO'ONA'AUAO**
P.O. BOX 2360
HONOLULU, HAWAI'I 96804

**House Committee on Education
Tuesday, February 17, 2026
2:00 p.m.
Hawai'i State Capitol, Room 309**

Measure: House Bill 2398, Relating to Libraries

Purpose of Measure:

Clarifies that the Board of Education, through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities. Authorizes the Board of Education to delegate to the State Librarian exclusive control of certain land for development or expansion purposes, subject to legislative appropriation. Requires the Department of Education to expeditiously cooperate with the State Librarian and Hawai'i State Public Library System to effectuate any project authorized by the Board of Education on certain lands.

Aloha Chair Woodson, Vice Chair La Chica, and Members of the Committee:

The Board of Education (Board) respectfully offers comments on House Bill 2398. The Board appreciates the Legislature's concern regarding library facilities and believes continued discussion and deliberation at the legislative level is important to clarifying the associated jurisdictions.

Mahalo for this opportunity to testify on behalf of the Board.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/17/2026
Time: 02:00 PM
Location: 309 VIA VIDEOCONFERENCE
Committee: EDN

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB2398, RELATING TO LIBRARIES.

Purpose of Bill: Clarifies that the Board of Education, through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities. Authorizes the Board of Education to delegate to the State Librarian exclusive control of certain land for development or expansion purposes, subject to legislative appropriation. Requires the Department of Education to expeditiously cooperate with the State Librarian and Hawaii State Public Library System to effectuate any project authorized by the Board of Education on certain lands.

Department's Position:

The Hawaii State Department of Education (Department) appreciates the opportunity to provide comments and concerns in regards to HB 2398. As written, this bill proposes to clarify that the State of Hawaii Board of Education (Board), through the State Librarian, shall have exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities. The bill also authorizes the Board to delegate to the State Librarian exclusive control of certain lands for development or expansion purposes and requires the Department to cooperate with the State Librarian and the Hawaii State Public Library System (HSPLS) to effectuate any HSPLS project authorized by the Board.

While the Department supports HSPLS projects that occur on land unrelated to existing public school campuses, the bill's application to land currently used for school operations presents significant operational, safety, and statutory conflicts.

There are 12 public libraries currently operating on public school campuses statewide. Many of them serve as both a public or community library as well as a school library. These co-located facility arrangements originated prior to statehood when counties managed the public schools. Over time, both public education and public library functions have evolved. As a result, joint occupancy has produced recurring challenges at the intersection of HSPLS's mission to serve the general public and the Department's responsibility to serve minors on campus. Some of these challenges include:

- Access to state libraries for students and school staff versus library patrons and staff;
- Potential conflicts in emergency drills and evacuation;
- Student versus community use of shared library facility;
- Sufficient parking for students and school staff versus library patrons and staff;
- Coordination of large construction projects, competition for space, and hours of operation in conflict;
- Ancillary activities and events connected to schools versus library operations in conflict (i.e., sporting events versus book fairs); and
- New Harm to Students Act (Act 156, Session Laws of Hawaii 2024) restrictions may conflict with the library's public access policy.

Although most issues have been amicably addressed through cooperative understanding between the respective public librarian and the host school administration, Act 156 presents statutory requirements that cannot be mitigated informally. The Act requires the Department to restrict campus access by individuals found to have inflicted harm on students. Maintaining student safety becomes significantly more complex when non-school functions operate on the same site.

The Department cannot support the proposed amendments to Hawaii Revised Statutes (HRS) 302A-1506.2 entitled Property acquisition, use, and Disposition proposed by this bill. As written in Paragraph (e) on Page 3 of this bill, land controlled by the Department that the Board has provided exclusive control to the state librarian pursuant to HRS Section 302A-1120, the department shall expeditiously cooperate with the state librarian and public library system to effectuate any project authorized by the Board. Based on this amendment, the Department believes that it will not only lose the authority and ability to fully utilize its campus to fulfill its statutory obligation under HRS 302A-101 to use its own properties to meet present and future needs with safe campuses and facilities, but it will also prevent it from ensuring student and staff safety required under Act 156.

Subdividing the school campus or legally separating the library portion has been suggested as a mitigation. This may work in some situations where public libraries are not in close proximity to school facilities; however, subdivision could also create further risks:

- The Department will lose valuable land area, which it would rely on for future school expansion;
- Impacts on school operations, such as outdoor classroom or athletic activities, and bus transportation;
- Land entitlements related to zoning, permitting, and other state or county requirements could be threatened; and
- Emergency access and evacuation could be placed in jeopardy.

The bill, as written, restricts the Department's ability to fulfill its statutory duty if library expansion takes precedence over school operations or future school expansion requirements.

The Department thanks the committee for its careful consideration of the comments and concerns offered in this testimony.

JOSH B. GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



STACEY A. ALDRICH
STATE LIBRARIAN
Ke Po'o Hale Waihona Puke Moku'āina

STATE OF HAWAI'I
HAWAI'I STATE PUBLIC LIBRARY SYSTEM
'OIHANA HALE WAIHONA PUKE AUPUNI O KA MOKU'ĀINA O HAWAI'I
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAI'I 96813
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House Committee on Education

February 17, 2026, 2:00 pm

State Capitol, Room 309

HB 2398 – Relating to Libraries

To: Rep. Justin H. Woodson, Chair
Rep. Trish La Chica, Vice Chair
Members of the House Committee on Education

The Hawai'i State Public Library System (HSPLS) **supports** HB 2398 which clarifies that the Board of Education, through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities. This measure also authorizes the Board of Education to delegate to the State Librarian exclusive control of certain land for development or expansion purposes, subject to legislative appropriation; and requires the Department of Education to expeditiously cooperate with the State Librarian and Hawai'i State Public Library System to effectuate any project authorized by the Board of Education on certain lands.

In 1981, or about 45 years ago, the State Legislature transferred oversight of the public library system to the Board of Education (BOE) and the State Librarian. Although operations of the public libraries were transferred in 1981, control over the properties which the public libraries were located was not completed or clarified.

Regardless, since 1981, the HSPLS has taken on sole responsibility for the development, use, support, and improvements and maintenance of all public library buildings statewide, including public and school libraries which are on or adjacent to school campuses. During this time, the HSPLS has expended significant resources for continued maintenance, renovations and improvements at all public libraries. HB 2398 will clarify that the BOE and the State Librarian have exclusive control over the property upon which public libraries are located to ensure that the HSPLS can continue to effectively and efficiently manage, maintain, improve and expend legislative appropriations designated for public libraries unincumbered.

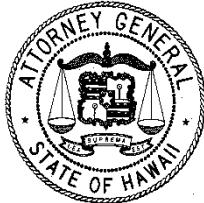
Clarifying control over the property would be especially helpful with respect to our management of twelve public and school libraries which are located on or adjacent to school campuses. Many DOE employees continue to mistakenly believe that public and school library buildings are DOE school buildings. Additionally, with respect to other library properties, there

is continued confusion over whether the DOE – which is named on pre-1981 dated Executive Orders for library properties – is required to sign off on any land-related permits, etc.

HSPLS also notes that there is other legislation under consideration this session – specifically, HB2294 HD1 relating to public school land transfer. This measure identifies properties that will be transferred to the DOE from the counties. However, some of the properties listed are properties on which some public and school libraries are located, which would continue to perpetuate the current situation as currently written.

We believe that adoption of HB2398, however, would make clear that the BOE and the State Librarian retain exclusive control over the public library buildings, related improvements and land upon which the public library is located, regardless of the eventual transfer of property from the counties to the DOE as directed in Act 307, Session Laws of Hawaii 2022 and proposed to be amended in HB2294 HD1.

Thank you for the opportunity to support HB2398 and your continued support of our communities and the Hawai'i State Public Library System.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
H.B. NO. 2398, RELATING TO LIBRARIES.**

**BEFORE THE:
HOUSE COMMITTEE ON EDUCATION**

DATE: Tuesday, February 17, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Anne T. Horiuchi, Deputy Attorney General or
Randall M. Wat, Deputy Attorney General

Chair Woodson and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill: (1) clarifies that the Board of Education (Board), through the State Librarian, has exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities; (2) authorizes the Board to delegate to the State Librarian exclusive control of certain land for development or expansion purposes, subject to legislative appropriation; and (3) requires the Department of Education to expeditiously cooperate with the State Librarian and Hawai'i State Public Library System to effectuate any project authorized by the Board on certain lands.

Section 1 amends section 302A-1120, Hawaii Revised Statutes (HRS), by adding a new subsection (b). Subsection (b) provides:

(b) The board, through the state librarian, shall have exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities pursuant to section 312-1. If the land for which a board approved development or expansion of a public library system facility is controlled by the board but not exclusively under the jurisdiction of the public library system, then the board may delegate to the state librarian exclusive control of the land to effectuate the purpose of the development or expansion; provided that moneys have been appropriated by the legislature for the development or expansion project. [Page 1, lines 7-17.]

Testimony of the Department of the Attorney General

Thirty-Third Legislature, 2026

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The phrase "land . . . controlled by the board" is vague. To effectuate the intent of the bill and avoid ambiguity regarding the nature of the land interest at issue, the Department recommends amending subsection (b) to read as follows (Ramseyered against the wording in the bill):

(b) The board, through the state librarian, shall have exclusive authority over the development, use, support, and improvement and maintenance of public library system facilities pursuant to section 312-1. If the ~~[land for which a]~~ board has a legally recognized interest in land on which it has approved development or expansion of a public library system facility ~~[is controlled by the board]~~, but the land is not exclusively under the jurisdiction of the public library system, then the board may ~~[delegate to]~~ authorize the state librarian to exercise exclusive control ~~[of the land]~~ over that interest to effectuate the purpose of the development or expansion; provided that moneys have been appropriated by the legislature for the development or expansion project.

Thank you for the opportunity to provide comments on this bill.

HB-2398

Submitted on: 2/15/2026 6:55:39 AM
Testimony for EDN on 2/17/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rich Gazan	Individual	Support	Written Testimony Only

Comments:

Please accept this testimony in strong support of HB2398. Public library facilities must be responsive to the needs of the community to be most effective, in terms of both services and efficient use of resources. HB2398 provides this flexibility by clarifying the role of the Board of Education and State Librarian to manage all aspects of public library facilities, subject to legislative appropriations.

I have served for 19 years as a member of the University of Hawai‘i at Mānoa Library and Information Science Program. Streamlining pathways to the provision of public library services and facilities helps make the best use of scarce resources, and creates the most direct benefit to members of our community.

Thank you for your consideration.

HB-2398

Submitted on: 2/13/2026 8:07:29 PM
Testimony for EDN on 2/17/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, OPPOSE

Did you know that the DOE schools are closing and/or have closed their school libraries?
Libraries are becoming a museum. Alternative bookmobile.

2398 HB RELATING TO LIBRARIES.