
A BILL FOR AN ACT

RELATING TO LIBRARIES.

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

1 SECTION 1. Section 302A-1120, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~302A-1120~~§~~ **Public library system; board control.**

4 (a) The board, through the state librarian, shall have direct
5 control of the public library system, but not including school
6 libraries.

7 (b) The board, through the state librarian, shall have
8 exclusive authority over the development, use, support, and
9 improvement and maintenance of public library system facilities
10 pursuant to section 312-1. If the board has a legally
11 recognized interest in land on which it has approved development
12 or expansion of a public library system facility, but the land
13 is not exclusively under the jurisdiction of the public library
14 system, then the board may authorize the state librarian to
15 exercise exclusive control over that interest to effectuate the
16 purpose of the development or expansion; provided that funds



1 have been appropriated by the legislature for the development or
2 expansion project.

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

5 SECTION 2. Section 302A-1506.2, Hawaii Revised Statutes,
6 is amended to read as follows:

7 "[+]§302A-1506.2[+] **Property acquisition, use, and**
8 **disposition.** (a) The department may acquire or contract to
9 acquire by grant or purchase any real, personal, or mixed
10 property or any interest therein for its immediate or future use
11 for public educational purposes, including lease revenues; and
12 own, hold, improve, and rehabilitate any real, personal, or
13 mixed property acquired, and sell, assign, exchange, transfer,
14 convey, lease, or otherwise dispose of, or encumber the same;
15 provided that the department shall incur all fees and costs
16 associated with, and for, the subdividing of the land.

17 (b) The department may by itself, or in partnership with
18 qualified persons, acquire, construct, reconstruct,
19 rehabilitate, improve, alter, or repair any infrastructure or
20 accessory facilities in connection with any project; and own,



1 hold, sell, assign, transfer, convey, exchange, lease, or
2 otherwise dispose of, or encumber any project.

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

8 (d) The department may insure or provide for the insurance
9 of its property or operations against risks as it deems
10 advisable.

11 (e) Notwithstanding any other law to the contrary, for
12 land controlled by the department that the board has vested
13 exclusive control to the state librarian pursuant to section
14 302A-1120, the department shall expeditiously cooperate with the
15 state librarian and public library system to effectuate any
16 project authorized by the board.

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

18 "Land" or "property" includes vacant land or land with site
19 improvements, whether partially or entirely finished in
20 accordance with governmental subdivision standards, or with
21 complete dwellings.



1 "Public educational purposes" includes any use of the
2 property, including revenue generation, that would benefit the
3 department's mission to provide public education to students in
4 the State.

5 "Real property" includes lands, land under water,
6 structures, and any agreed upon easements, franchises, and
7 incorporeal hereditaments and every estate and right therein,
8 legal and equitable, including terms for years and liens by way
9 of judgment, mortgage, or otherwise."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Board of Education; Hawaii State Public Library System; Public Library System Facilities; Land Use

Description:

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. Allows the Board of Education to authorize the State Librarian to exercise 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. Effective 7/1/3000. (HD1)

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