



STATE OF HAWAII  
HAWAII STATE PUBLIC LIBRARY SYSTEM  
OFFICE OF THE STATE LIBRARIAN  
44 MERCHANT STREET  
HONOLULU, HAWAII 96813

January 20, 2015

TO: Honorable Donald Horner, Chairperson  
Board of Education

FROM: Stacie Kanno, Interim State Librarian *Stacie Kanno*  
Hawaii State Public Library System

SUBJECT: **Discussion/Board Action on the recommendation of the Hawaii State Public Library System's Legislative Proposal for the 2015 Hawaii State Legislature**

1. **RECOMMENDATION**

It is recommended that the Board of Education (Board) approve the Hawaii State Public Library System's (HSPLS) one (1) Legislative Draft Bill for FY 2015 Session.

2. **RECOMMENDED EFFECTIVE DATE**

Upon Legislative and Governor approval.

3. **RECOMMENDED COMPLIANCE DATE**

Upon Legislative and Governor approval.

4. **DISCUSSION**

a. Conditions leading to the recommendation

This draft bill to amend Chapter 312 would delegate many of the duties and responsibilities of the Board regarding HSPLS to the State Librarian. These include such duties as collection of fines and fees, distribution of books and periodicals among the libraries statewide, expend funds appropriated by the legislature for HSPLS, etc. This same housekeeping measure was previously discussed and approved by the Board on November 15, 2011 for the 2012 Legislative Session.

b. Previous Action of the Board on the same or similar matter

The Board has always approved HSPLS legislative requests and initiatives.

c. Other policies affected

None.

d. Arguments in support of the recommendation

Please refer to the introduction and justification for our bill proposal.

e. Arguments against the recommendation

None.

f. Findings and conclusions of the Board committee

None.

g. Other agencies or departments of the State of Hawaii involved in the action

None

h. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendations

We do not anticipate any negative reaction from this measure.

i. Educational implication

None.

j. Personnel implications

None.

k. Facilities implications

None.

l. Financial implications

None.

**5. OTHER SUPPLEMENTARY RECOMMENDATIONS**

None.

**Attachments**

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# A BILL FOR AN ACT

RELATING TO LIBRARIES.

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

1           SECTION 1. Chapter 312, Hawaii Revised Statutes, sets  
2           forth the duties and responsibilities of the state board of  
3           education. This Act makes housekeeping changes that will more  
4           accurately reflect long-standing board of education and Hawaii  
5           state public library system practice. These duties and  
6           responsibilities, which were initially assigned to the board of  
7           education, have been delegated to the state librarian and the  
8           Hawaii state public library system for many decades.

9           SECTION 2. Chapter 312, Hawaii Revised Statutes, is  
10          amended by adding a new section to be appropriately designated  
11          and to read as follows:

12          "§312-           State librarian; appointment; duties. The state  
13          librarian shall collect, purchase, receive gifts of, and  
14          otherwise acquire all books and other publications proper for  
15          libraries, and arrange, classify, and catalog the same; provide  
16          for their safekeeping; expend moneys appropriated by the  
17          legislature and otherwise acquired for the development, use,  
18          support, and maintenance of libraries; provide ways and means

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1 for placing libraries within reach of all residents throughout  
2 the State and particularly of all public and private school  
3 children; provide and maintain branch libraries, offices, or  
4 places for the distribution of books and periodicals throughout  
5 the State; enter into contracts as may be necessary to carry  
6 into effect the general duties herein imposed; appoint such  
7 officers and employees as deemed necessary, all of whom shall be  
8 under the authority of the governor for purposes of chapters 76,  
9 78, 89, and 89C; and adopt rules for the management and use of  
10 libraries, and for the control of the property under its  
11 management."

12 SECTION 3. Section 312-1, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§312-1 Duties of the board of education.** The board of  
15 education shall care for, manage, and control all property set  
16 apart, donated, loaned to, or in any manner acquired for the use  
17 of libraries; receive, care for, expend, and account for any  
18 money which may be received for the purpose of erecting  
19 buildings for libraries or for any other purposes of the  
20 libraries [~~collect, purchase, receive gifts of, and otherwise~~  
21 ~~acquire all books and other publications proper for libraries,~~  
22 ~~and arrange, classify, and catalogue the same; provide for their~~

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1 ~~safekeeping, expend moneys appropriated by the legislature and~~  
2 ~~otherwise acquired for the development, use, support, and~~  
3 ~~maintenance of libraries; provide ways and means for placing~~  
4 ~~libraries within reach of all residents throughout the State and~~  
5 ~~particularly of all public and private school children; provide~~  
6 ~~and maintain branch libraries, offices, or places for the~~  
7 ~~distribution of books and periodicals throughout the State; make~~  
8 ~~such contracts as may be necessary to carry into effect the~~  
9 ~~general duties herein imposed; appoint such officers and~~  
10 ~~employees as it deems necessary; and make rules for the~~  
11 ~~management and use of libraries, and for the control of the~~  
12 ~~property under its management]."~~

13 SECTION 4. Section 312-2, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§312-2 Powers of board; special fund.** The board of  
16 education may:

17 (1) Except as provided in section 312-3.9, make  
18 arrangements or contracts as are approved by the  
19 governor, with any county, city, association, society,  
20 person, or persons, for the purpose of benefiting the  
21 libraries and increasing their facilities and use;

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- 1           (2) Subject to section 26-12, enter into such arrangement  
2           or contract as is approved by the governor, with the  
3           Friends of the Library of Hawaii, for the purpose of  
4           obtaining the use of books and property and income of  
5           the Friends of the Library of Hawaii;
- 6           (3) Cooperate by exchange and otherwise with libraries now  
7           existing or hereafter to be formed;
- 8           (4) Receive, use, manage, or invest moneys or other  
9           property, real, personal, or mixed which may be given,  
10          bequeathed, devised, or in any manner received from  
11          sources other than the legislature or any federal  
12          appropriation for any or all purposes of the  
13          libraries;
- 14          (5) Deposit with the director of finance in a special fund  
15          all moneys donated to the board for library services;
- 16          (6) Unless otherwise provided for by the terms and  
17          conditions of the donation, convert, at such time as  
18          the board may at its sole discretion determine, any or  
19          all donations of property, real, personal, or mixed,  
20          into money to be deposited into the special fund; and

1           (7) Expend the moneys in the special fund in accordance  
2                   with the terms and conditions of each donation for the  
3                   purposes of the libraries.

4 The board shall be the trustee of the special fund and all  
5 moneys therein shall be deemed to have been appropriated to the  
6 use and for the purposes of the [~~board~~] Hawaii state public  
7 library system in providing library services. Nothing in this  
8 section shall be construed to limit the powers and duties of the  
9 board hereinbefore expressed, or to empower the board to  
10 obligate the State financially in any sum which shall not have  
11 been appropriated by the legislature for the use of the board."

12           SECTION 5. Section 312-4.6, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14           "(a) The [~~board of education~~] state librarian may charge  
15 and add a fee to any amount due in accordance with [~~its~~] the  
16 state librarian's duties and powers under section [~~312-1~~] 312-  
17        for:

18           (1) Any cost or expense incurred by the Hawaii state  
19                   public library system as a result of any action taken  
20                   to enforce the collection of costs of lost books and  
21                   any overdue fines and fees charged to that patron  
22                   after the public library system has mailed written



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1 notice demanding payment and advising that continued  
2 failure to pay the amount due may result in collection  
3 action being taken, including the imposition of cost-  
4 recovery fees, not to exceed \$10, pursuant to this  
5 section. Any cost-recovery fee charged against the  
6 patron for costs, fees, and other charges may include  
7 collection agency fees, attorneys' fees, court filing  
8 fees, and similar fees incurred by the Hawaii state  
9 public library system in connection with the  
10 collection action;

11 (2) Hawaii public library system sponsored seminars or  
12 workshops, including educational materials in various  
13 media format; and

14 (3) Research and reference materials published on magnetic  
15 media, CD-ROM, or other [~~machine-readable~~] digital or  
16 electronic form."

17 SECTION 6. Section 312-4.6, Hawaii Revised Statutes, is  
18 amended by amending subsection (d) to read as follows:

19 "(d) The [~~board of education~~] state librarian shall  
20 prescribe the procedures relating to:

21 (1) The charging of fees;

22 (2) The waiver of fees;

- 1           (3) The documents, materials, and services for which fees  
2           may be charged;
- 3           (4) The amount of the fees that may be assessed and  
4           charged to a library patron;
- 5           (5) The accumulated amount of lost library material costs,  
6           fines, or fees;
- 7           (6) The period of time that the lost library materials  
8           costs, fines, or fees must remain unpaid before they  
9           may be referred to a collection agency for collection  
10          pursuant to rules adopted under chapter 91; and
- 11          (7) The notification of persons with delinquent accounts  
12          of the additional fees to be charged by the collection  
13          agency prior to the referral to the collection  
14          agency."

15           SECTION 7. Section 312-5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           "**§312-5 Annual report to the governor.** Annually during  
18 the month of July but as of June 30 preceding, the [~~board of~~  
19 ~~education~~] state librarian shall report to the governor the  
20 moneys received from all sources and expended for all purposes  
21 during the preceding year, and any other matters pertaining to

1 the libraries which it may deem important, or the governor may  
2 require."

3 SECTION 8. Section 312-21, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) as follows:

5 "(a) The [~~board of education, through the~~] state  
6 librarian[~~r~~] shall:

7 (1) Provide for the establishment and ongoing operation of  
8 a fee for enhanced service program, which includes but  
9 is not limited to the planning, programming, and  
10 budgeting of operating, research and development, and  
11 capital investment programs; and

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

14 SECTION 9. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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BY REQUEST

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

Hawaii State Public Library System; State Librarian

**Description:**

Update Hawaii Revised Statutes, chapter 312 so it accurately reflects long-standing State Board of Education and Hawaii State Public Library System practice.

*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: HAWAII STATE PUBLIC LIBRARY SYSTEM

TITLE: RELATING TO LIBRARIES.

PURPOSE: To update chapter 312, Hawaii Revised Statutes (HRS) so it accurately reflects long-standing state board of education and Hawaii state public library system practice.

MEANS: Add a new section to chapter 312 amend sections 312-1, 312-2, 312-4.6(a) and (d), 312-5, and 312-21(a), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Chapter 312, HRS, assigns various duties and responsibilities to the state board of education. In practice, the board does not, and has not, performed these duties and responsibilities; they have been delegated to the state librarian and the Hawaii state public library system. This bill will amend chapter 312, HRS, so that it more accurately reflects the duties and responsibilities of the Board of Education, Hawaii State Public Library System, and the State Librarian.

Impact on the public: None.

Impact on the department and other agencies: Duties and responsibilities currently assigned to the state board of education will be assigned to the state librarian and the Hawaii state public library system.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: EDN 407.

Page 2

OTHER AFFECTED  
AGENCIES:

Hawaii State Board of Education.

EFFECTIVE DATE:

Upon approval.