



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Education
Wednesday, March 22, 2023 at 3:00 p.m.

By

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And

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University of Hawai'i at Mānoa

HB 1412 HD1 – A BILL FOR AN ACT RELATED TO LIBRARIES

Chair Kidani, Vice Chair Kim, and Members of the Committee:

The University of Hawai'i on behalf of the University of Hawai'i Library Council offers comments and proposed amendments to HB 1412 HD1. The University of Hawai'i Library Council, representing the eleven libraries within the University System.

HB 1412 HD1 prohibits any contract or license agreement between a publisher and library in the State from precluding, limiting, or otherwise restricting the library from performing customary operational and lending functions; restricting the library from disclosing any terms of its license agreements to other libraries; and requiring, coercing, or enabling a library to violate rules regarding confidentiality of a patron's library records. The University of Hawai'i understands the intent of this measure and its direct impact to operations and interests of the Hawai'i Public Library System.

The University of Hawai'i believes that same intent and impact differs substantially from our libraries that are dedicated to supporting the teaching and research missions of the University of Hawai'i. HB 1412 HD1 proposes to restrict purchases and licensing of digital library materials by mandating certain terms of agreement that will greatly hinder our ability to serve our students and faculty. Such restrictions may endanger University accreditation and negatively impact our students' educational experiences and competitive edge in the job market. Similarly, University faculty and researchers will be hampered by a lack of access to key resources.

As such, the University of Hawai'i offers these recommendations for the committee's considerations:

- 1) That academic, research, and special libraries be stricken from the definition of library for the purposes of this bill, and

- 2) That the inclusion of Archive in the definition of library be amended to specifically exclude archive libraries and collections maintained by the University of Hawai'i System Libraries.

Thank you for the opportunity to testify on this measure.