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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

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

1           SECTION 1. The legislature finds that the purposes of Act  
2 388, Session Laws of Hawaii 1989, which established the Hawaii  
3 historic preservation special fund, set forth a set of guiding  
4 principles that are even more compelling and relevant today than  
5 they were in 1989:

6           "The legislature . . . finds that as we begin to compete  
7 economically in the Pacific Basin, we are beginning to realize  
8 that much of our strength lies in our own uniqueness - those  
9 factors that provide us with a distinct advantage over our  
10 competitors. The legislature further finds that another  
11 distinct advantage that has not been fully tapped is our unique  
12 historic heritage. The preservation and enhancement of this  
13 valuable resource can provide an additional attraction to our  
14 visitors in addition to our beautiful climate, environment, and  
15 people. But more important, the preservation of special  
16 elements of our past can instill a distinct pride in our people  
17 and serve as a reminder, through our historic buildings,  
18 documents, photographs, and sites, that we are indeed a unique



1 people and that we have a deep appreciation and sense of our  
2 place. The purpose of this Act is to establish a Hawaii  
3 historic preservation special fund to enhance and preserve  
4 elements of our past that should be integrated into our daily  
5 living."

6 In the current economic climate, the legislature finds that  
7 it is difficult to pursue new financial resources, including  
8 private and philanthropic grants, to ensure the preservation of  
9 Hawaii's heritage assets without a corresponding commitment on  
10 the part of the State to provide an underlying baseline of state  
11 funding support.

12 The purpose of this Act is to expand the uses of the Hawaii  
13 historic preservation special fund and to capitalize on  
14 accelerated construction programming proposed by the new  
15 administration to assist in the restoration and preservation of  
16 such heritage assets as the Bernice Pauahi Bishop Museum, Iolani  
17 Palace, Washington Place, and Mauna Ala.

18 SECTION 2. Section 6E-16, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§6E-16 Hawaii historic preservation special fund. (a)  
21 There is established a Hawaii historic preservation special fund  
22 into which shall be deposited the following moneys:



- 1 (1) Appropriations by the legislature to the special fund;  
2 (2) Gifts, donations, and grants from public agencies and  
3 private persons;  
4 (3) All proceeds collected by the department derived from  
5 historic preserve user fees, historic preserve leases  
6 or concession fees, fees charged to carry out the  
7 purposes of this chapter, or the sale of goods; ~~and~~  
8 (4) Civil, criminal, and administrative penalties, fines,  
9 and other charges collected under this chapter or any  
10 rule adopted pursuant to this chapter~~[-]~~; and  
11 (5) One per cent of all state fund appropriations for  
12 capital improvements designated for the construction  
13 or renovation of state buildings.

14 All interest earned or accrued on moneys deposited in the fund  
15 shall become part of the fund. The fund shall be administered  
16 by the department; provided that the department may contract  
17 with a public or private agency to provide the day-to-day  
18 management of the fund.

19 (b) Subject to legislative authorization, the ~~[department~~  
20 ~~may expend moneys from the fund:-]~~ moneys in the fund shall be  
21 used solely for the following purposes:

- 22 (1) For permanent and temporary staff positions;



- 1           (2) To replenish goods;
- 2           (3) To produce public information materials;
- 3           (4) To provide financial assistance to public agencies and
- 4           private agencies in accordance with chapter 42F
- 5           involved in historic preservation activities other
- 6           than those covered by section 6E-9; [and]
- 7           (5) To cover administrative and operational costs of the
- 8           historic preservation program[-]; and
- 9           (6) For costs related to site modifications, display, and
- 10           interpretive work necessary to enhance the visitor
- 11           experience for the Bernice Pauahi Bishop Museum,
- 12           Iolani Palace, Washington Place, and Mauna Ala,
- 13           including specific preventive maintenance and repairs
- 14           to restore these facilities to a condition reflecting
- 15           their status in Hawaii's history and the unique
- 16           heritage of its arts and culture; provided that the
- 17           ordinary maintenance or repair of any feature does not
- 18           involve a change in design, material, or outer
- 19           appearance or change in those characteristics that
- 20           qualified the historic property for entry in the
- 21           Hawaii register of historic places.



1           (c) ~~The [department shall adopt rules in accordance with~~  
2 ~~chapter 91 for the purposes of this section.]~~ one per cent  
3 amount under subsection (a)(5), which is included in all capital  
4 improvement appropriations, shall be calculated at the time the  
5 appropriation bills become law. The moneys shall be transferred  
6 into the Hawaii historic preservation special fund upon  
7 availability of moneys from the appropriations for expenditure  
8 by the department in consultation with the comptroller; provided  
9 that from July 1, 2011, through June 30, 2015, when the  
10 transferred moneys exceed \$ \_\_\_\_\_ annually, any moneys in  
11 excess of \$ \_\_\_\_\_, but not more than \$ \_\_\_\_\_, shall be  
12 expended by the comptroller for the purposes of subsection  
13 (b)(6), pursuant to subsection (e). Each agency receiving  
14 capital improvement appropriations shall calculate the one per  
15 cent amount and transfer the moneys into the Hawaii historic  
16 preservation special fund.

17           (d) The comptroller and the Bernice Pauahi Bishop Museum,  
18 Friends of Iolani Palace, Washington Place, and state parks  
19 division of the department shall decide on the specific site  
20 modifications, display, interpretive work, and preventive  
21 maintenance and repair projects to be undertaken at the  
22 respective facilities.



1       (e) Expenditures from the Hawaii historic preservation  
2 special fund shall be made by the comptroller.

3       (f) The comptroller shall:

4       (1) Provide each agency receiving capital improvement  
5 appropriations with information regarding items that  
6 shall be included and excluded from the one per cent  
7 amount for historic preservation;

8       (2) Ensure that each agency calculates its one per cent  
9 amount correctly; and

10       (3) Ensure that each agency transfers the correct amount  
11 to the Hawaii historic preservation special fund in a  
12 timely manner.

13       (g) The comptroller and the department shall track amounts  
14 due from each agency under the one per cent requirement as  
15 provided in this section."

16       SECTION 3. The comptroller shall submit to the governor  
17 and the legislature:

18       (1) At least twenty days prior to the convening of the  
19 regular sessions of 2012, 2013, and 2014, a complete  
20 and detailed report on any site modifications,  
21 display, interpretive work, and specific preventive  
22 maintenance and repairs for the Bernice Pauahi Bishop



1 Museum, Iolani Palace, Washington Place, and Mauna  
2 Ala; and

3 (2) At least twenty days prior to the convening of the  
4 regular session of 2015, a final report on the  
5 projects and expenditures for the Bernice Pauahi  
6 Bishop Museum, Iolani Palace, Washington Place, and  
7 Mauna Ala as well as recommendations for a long-term  
8 plan to restore and protect state-owned historic  
9 heritage properties and facilities to ensure that all  
10 Hawaii residents and visitors are able to access and  
11 benefit from the arts, culture, and heritage  
12 experiences that these properties and facilities  
13 provide.

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2011.



**Report Title:**

Hawaii Historic Preservation Special Fund; Uses

**Description:**

Requires one per cent of all state fund appropriations designated for the construction and renovation of state buildings to be deposited into the Hawaii Historic Preservation Special Fund. Adds the costs related to site modifications, display, and interpretive work necessary to enhance the visitor experience for the Bernice Pauahi Bishop Museum, Iolani Palace, Washington Place, and Mauna Ala to the uses of the Fund. Requires reports to the Governor and Legislature. Effective July 1, 2011. (SB333 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

