

JAN 18 2013

---

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

11           The legislature further finds that another distinct  
12 advantage that has not been fully tapped is our unique historic  
13 heritage. The preservation and enhancement of this valuable  
14 resource can provide an additional attraction to our visitors in  
15 addition to our beautiful climate, environment, and people. But  
16 more important, the preservation of special elements of our past  
17 can instill a distinct pride in our people and serve as a  
18 reminder, through our historic buildings, documents,



1 photographs, and sites, that we are indeed a unique people and  
2 that we have a deep appreciation and sense of our place.

3 The purpose of this Act is to establish a Hawaii historic  
4 preservation special fund to enhance and preserve elements of  
5 our past that should be integrated into our daily 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  
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) per cent of the one per cent of all state fund
- 12 appropriations for capital improvements that are
- 13 transferred to the works of art special fund pursuant
- 14 to section 103-8.5.

15 All interest earned or accrued on moneys deposited ~~in~~ into the

16 fund shall become part of the fund. The fund shall be

17 administered by the department; provided that the department may

18 contract with a public or private agency to provide the day-to-

19 day management of the fund.

20 (b) Subject to legislative authorization, the ~~department~~

21 ~~may expend moneys from the fund:]~~ moneys in the fund shall be

22 expended solely for the following purposes:



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



1           (c) ~~The [department shall adopt rules in accordance with~~  
2 ~~chapter 91 for the purposes of this section]~~ amount under  
3 subsection (a) (5) shall be transferred into the Hawaii historic  
4 preservation special fund by the comptroller. From July 1,  
5 2013, through June 30, 2017, when the transferred moneys exceed  
6 \$ \_\_\_\_\_ annually, any moneys in excess of \$ \_\_\_\_\_, but  
7 not more than \$ \_\_\_\_\_, shall be expended by the comptroller  
8 for the purposes of subsection (b) (6), pursuant to subsection  
9 (e).

10           (d) The comptroller shall work with the Bernice Pauahi  
11 Bishop Museum, Friends of Iolani Palace, Washington Place, and  
12 state parks division of the department to decide on the specific  
13 site modifications, display, interpretive work, and preventive  
14 maintenance and repair projects to be undertaken at the  
15 respective facilities for the purposes of subsection (b) (6).

16           (e) Expenditures from the Hawaii historic preservation  
17 special fund shall be made by the comptroller."

18           SECTION 3. Section 103-8.5, Hawaii Revised Statutes, is  
19 amended by amending subsections (b) and (c) to read as follows:

20           "(b) The works of art special fund shall be used solely  
21 for the following purposes:



- 1 (1) Costs related to the acquisition of works of art,  
2 including any consultant or staff services required to  
3 carry out the art in public places and relocatable  
4 works of art programs;
- 5 (2) Site modifications, display, and interpretive work  
6 necessary for the exhibition of works of art;
- 7 (3) Upkeep services, including maintenance, repair, and  
8 restoration of works of art;
- 9 (4) Storing and transporting works of art [-]; and  
10 (5) Deposit into the Hawaii historic preservation special  
11 fund for uses specified in section 6E-16.
- 12 (c) The one per cent amount, which is included in all  
13 capital improvement appropriations, shall be calculated at the  
14 time the appropriation bills are signed into law. The moneys  
15 shall be transferred into the works of art special fund upon  
16 availability of moneys from the appropriations. Each agency  
17 receiving capital improvement appropriations shall calculate the  
18 one per cent amount and transfer the moneys into the works of  
19 art special fund. Of the moneys transferred into the works of  
20 art special fund, per cent shall be transferred to the  
21 Hawaii historic preservation special fund for uses specified in  
22 section 6E-16."



1 SECTION 4. The comptroller shall submit to the governor  
2 and the legislature:

3 (1) No later than twenty days prior to the convening of  
4 the regular sessions of 2014, 2015, and 2016, a  
5 complete and detailed report on any site  
6 modifications, display, interpretive work, and  
7 specific preventive maintenance and repairs for the  
8 Bernice Pauahi Bishop Museum, Iolani Palace,  
9 Washington Place, and Mauna Ala; and

10 (2) No later than twenty days prior to the convening of  
11 the regular session of 2017, a final report on the  
12 projects and expenditures for the Bernice Pauahi  
13 Bishop Museum, Iolani Palace, Washington Place, and  
14 Mauna Ala, and recommendations for a long-term plan to  
15 restore and protect state-owned historic heritage  
16 properties and facilities to ensure that all Hawaii  
17 residents and visitors are able to access and benefit  
18 from the arts, culture, and heritage experiences that  
19 these properties and facilities provide.

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.


22



1 SECTION 6. This Act shall take effect on July 1, 2013.

2

INTRODUCED BY:

  
\_\_\_\_\_  
*Greg Kulas*

~~SEN. A.C. Rodriguez~~  
\_\_\_\_\_  
*Michelle Sisti*





**Report Title:**

Hawaii Historic Preservation Special Fund; Uses

**Description:**

Requires an unspecified percentage 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.

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

