
A BILL FOR AN ACT

RELATING TO CULTURE AND THE ARTS.

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

1 SECTION 1. The legislature finds that, pursuant to
2 Act 398, Session Laws of Hawaii 1988, the Bernice Pauahi Bishop
3 Museum was designated as the State of Hawaii Museum of Natural
4 and Cultural History and, pursuant to Act 291, Session Laws of
5 Hawaii 2007, the Friends of Iolani Palace was designated as the
6 State of Hawaii Museum of Monarchy History. The legislature
7 also finds that the intent of these designations was to provide
8 the museums with a reliable funding source so that they would no
9 longer be dependent on grants and private donations. The
10 legislature further finds that, during the regular session of
11 2022, \$7,500,000 was appropriated to the State of Hawaii Museum
12 of Natural and Cultural History and \$2,000,000 was appropriated
13 to the State of Hawaii Museum of Monarchy History.

14 The legislature believes that to ensure that the operations
15 of the museums are in alignment with the State's vision, two ex
16 officio, non-voting members, to be selected from certain state
17 agencies, should be added to board of directors of each museum.



1 The purpose of this Act is to:

2 (1) Require that the State of Hawaii Museum of Natural and
3 Cultural History and the State of Hawaii Museum of
4 Monarchy History boards of directors each include two
5 ex officio, non-voting members, to be selected by each
6 board, representing state agencies and departments
7 that are in direct partnership with each museum on
8 projects that benefit the State of Hawaii;

9 (2) Require the State of Hawaii Museum of Natural and
10 Cultural History to submit an annual report to the
11 legislature;

12 (3) Establish standards and conditions that the State of
13 Hawaii Museum of Natural and Cultural History must
14 meet to receive state funds;

15 (4) Redesignate the Hawaii Museum of Natural and Cultural
16 History as the Hawaii Museum of Natural and Indigenous
17 History; and

18 (5) Appropriate funds for the renovation of Bishop Hall.

19 SECTION 2. Section 6E-17, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsection (a) to read:



1 "(a) There is established a Hawaii archaeological data
2 survey database designated as a program of the State of Hawaii
3 Museum of Natural and [~~Cultural~~] Indigenous History. The
4 database shall be online and accessible to the public through the
5 Internet. The information within the database may include
6 information relating to the collections of the Bernice Pauahi
7 Bishop Museum, publicly available materials, and materials from
8 private entities or organizations. The database may include
9 archaeological information such as reports, photographs,
10 drawings, maps, and archived documents. The database may also
11 include compilations of collections information from public and
12 private repositories including:

- 13 (1) A description of the types and amounts of materials
14 and associated documentation in each collection;
15 (2) A listing of the owner or owners of all materials and
16 associated documentation in each collection;
17 (3) A general assessment of the condition of the
18 components of each collection; and
19 (4) Other relevant information pertaining to each
20 collection.



1 The data survey database shall be developed and maintained by
2 the State of Hawaii Museum of Natural and [~~Cultural~~] Indigenous
3 History, in consultation with the state historic preservation
4 division and other appropriate state and federal agencies and
5 private organizations."

6 2. By amending subsection (c) to read:

7 "(c) The State of Hawaii Museum of Natural and [~~Cultural~~]
8 Indigenous History, in consultation with the office of Hawaiian
9 affairs and the state historic preservation division, may
10 temporarily or permanently withhold from the database any
11 information due to a valid threat of destruction or loss of the
12 information, or if disclosure may frustrate the legitimate and
13 necessary function of protecting a valuable archaeological site
14 or artifact. The entities shall determine what information
15 shall be withheld from the data survey; provided that prior
16 consultation is sought with any affected state or federal
17 governmental agencies, or private individuals or organizations."

18 SECTION 3. Section 6E-35, Hawaii Revised Statutes, is
19 amended to read as follows:



1 "§6E-35 Iolani Palace. (a) The official designation of
2 the palace of the former monarchs of Hawaii shall be Iolani
3 Palace.

4 (b) The official designation of the Friends of Iolani
5 Palace shall be the State of Hawaii Museum of Monarchy
6 History[-]; provided that effective July 1, 2024, in order for
7 the designation to remain in effect, the board of directors
8 shall include two ex officio, non-voting members, to be selected
9 by the board representing state agencies and departments that
10 are in direct partnership with the State of Hawaii Museum of
11 Monarchy History on projects that benefit the State of Hawaii.

12 (c) The qualifying standards and conditions related to the
13 receipt of funds under chapter 42F shall not apply to funds
14 received by the State of Hawaii Museum of Monarchy History;
15 provided that if the museum contracts with a recipient or
16 provider, then the qualifying standards, conditions, and other
17 provisions of chapter 42F shall apply to the recipient or
18 provider and the contract.

19 [~~(e)~~] (d) To receive state funds, the State of Hawaii
20 Museum of Monarchy History shall:



- 1 (1) Be licensed or accredited, in accordance with federal,
2 state, or county statutes, rules, or ordinances, to
3 conduct the activities or provide the services for
4 which funds are appropriated;
- 5 (2) Comply with all applicable federal and state laws
6 prohibiting discrimination against any person on the
7 basis of race, color, national origin, religion,
8 creed, sex, age, sexual orientation, or disability;
- 9 (3) Agree not to use the funds for entertainment or
10 lobbying activities;
- 11 (4) Be incorporated under the laws of the State;
- 12 (5) Have bylaws or policies that describe the manner in
13 which the activities or services for which a grant is
14 awarded shall be conducted or provided;
- 15 (6) Have been determined and designated to be a tax-exempt
16 organization by the Internal Revenue Service; and
- 17 (7) Have a governing board whose ~~members~~ membership
18 shall include two ex officio, non-voting members, and
19 other members who shall have no material conflict of
20 interest and serve without compensation.



1 [~~(d)~~] (e) The comptroller and state auditor shall have the
2 authority to examine the use of funds appropriated to the State
3 of Hawaii Museum of Monarchy History.

4 [~~(e)~~] (f) The State of Hawaii Museum of Monarchy History
5 shall provide to the legislature an annual report no later than
6 twenty days prior to the convening of each regular session,
7 which shall include an explanation of the facility maintenance
8 and other functions accomplished by state fund expenditures in
9 the previous fiscal year."

10 SECTION 4. Section 6E-40, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**S6E-40 Bernice Pauahi Bishop Museum.** (a) The official
13 designation of the Bernice Pauahi Bishop Museum shall be the
14 State of Hawaii Museum of Natural and ~~[Cultural]~~ Indigenous
15 History[-]; provided that effective July 1, 2024, in order for
16 the designation to remain in effect, the board of directors
17 shall include two ex officio, non-voting members, to be selected
18 by the board representing state agencies and departments that
19 are in direct partnership with the State of Hawaii Museum of
20 Natural and Indigenous History on projects that benefit the
21 State of Hawaii.



1 (b) The qualifying standards and conditions related to the
2 receipt of funds contained in chapter 42F shall not apply to
3 funds received by the State of Hawaii Museum of Natural and
4 ~~[Cultural]~~ Indigenous History; provided that if the museum in
5 turn contracts with a recipient or provider, then the qualifying
6 standards, conditions, and other provisions of chapter 42F shall
7 apply to the recipient or provider and the contract.

8 (c) The State of Hawaii Museum of Natural and Indigenous
9 History shall provide to the legislature an annual report no
10 later than twenty days prior to the convening of each regular
11 session, which shall include an explanation of the facility
12 maintenance and other functions accomplished by state fund
13 expenditures in the previous fiscal year.

14 (d) To receive state funds, the State of Hawaii Museum of
15 Natural and Indigenous History shall:

- 16 (1) Be licensed or accredited, in accordance with federal,
17 state, or county statutes, rules, or ordinances, to
18 conduct the activities or provide the services for
19 which funds are appropriated;
- 20 (2) Comply with all applicable federal and state laws
21 prohibiting discrimination against any person on the



- 1 basis of race, color, national origin, religion,
2 creed, sex, age, sexual orientation, or disability;
- 3 (3) Agree not to use the funds for entertainment or
4 lobbying activities;
- 5 (4) Be incorporated under the laws of the State;
- 6 (5) Have bylaws or policies that describe the manner in
7 which the activities or services for which a grant is
8 awarded shall be conducted or provided;
- 9 (6) Have been determined and designated to be a tax-exempt
10 organization by the Internal Revenue Service; and
- 11 (7) Have a governing board whose membership shall include
12 two ex officio, non-voting members, and other members
13 who shall have no material conflict of interest and
14 serve without compensation.
- 15 (e) The comptroller and state auditor shall have the
16 authority to examine the use of funds appropriated to the State
17 of Hawaii Museum of Natural and Indigenous History."

18 SECTION 5. Section 6E-61, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§6E-61[+] **Biological survey; designation.** A Hawaii
21 biological survey is established and designated as a program of



1 the State of Hawaii [~~museum of natural and cultural history.~~]
2 Museum of Natural and Indigenous History. The survey shall
3 consist of an ongoing natural history inventory of the Hawaiian
4 archipelago to locate, identify, evaluate, and maintain the
5 reference collections of all native and non-native species of
6 flora and fauna within the State for a wide range of uses. The
7 survey shall coordinate with and complement the work of the
8 Hawaii heritage program, established by chapter 195, which
9 manages data on rare native plants, animals, and natural
10 communities throughout the State. To expand the use, control,
11 and knowledge of biological species, the survey shall also be
12 conducted in coordination with the existing databases of the
13 department of agriculture, the department of land and natural
14 resources, the [~~University~~] university of Hawaii, and other
15 appropriate organizations."

16 SECTION 6. In accordance with section 9 of article VII of
17 the Hawaii State Constitution and sections 37-91 and 37-93,
18 Hawaii Revised Statutes, the legislature has determined that the
19 appropriations contained in Act 164, Regular Session of 2023,
20 and this Act will cause the state general fund expenditure
21 ceiling for fiscal year 2024-2025 to be exceeded by \$



1 or per cent. This current declaration takes into account
2 general fund appropriations authorized for fiscal year 2024-2025
3 in Act 164, Regular Session of 2023, and this Act only. The
4 reasons for exceeding the general fund expenditure ceiling are
5 that:

- 6 (1) The appropriation made in this Act is necessary to
7 serve the public interest; and
8 (2) The appropriation made in this Act meets the needs
9 addressed by this Act.

10 SECTION 7. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2024-2025 for the
13 renovation of Bishop Hall.

14 The sum appropriated shall be expended by the state
15 foundation on culture and the arts for the purposes of this Act.

16 SECTION 8. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

State of Hawaii Museum of Natural and Indigenous History; State of Hawaii Museum of Monarchy History; Report; Standards and Conditions for Receipt of Funds; Appropriation; General Fund Expenditure Ceiling Exceeded

Description:

Requires that the State of Hawaii Museum of Natural and Indigenous History and the State of Hawaii Museum of Monarchy History boards of directors each include 2 ex officio, non-voting members, to be selected from partnering state agencies and departments. Requires the State of Hawaii Museum of Natural and Indigenous History to submit an annual report to the Legislature. Establishes standards and conditions that the State of Hawaii Museum of Natural and Indigenous History must meet to receive state funds. Makes an appropriation. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025. Effective 7/1/2050. (SD2)

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

