

A Bill for an Act Relating to the Establishment of a Non-Profit Corporate Foundation Enabling Acceptance of Funds and Gifts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Statement of Purpose. The purpose of this Act is to create a non-profit corporation for historic preservation, restoration, presentation, museum activities, and support programs; and in cooperation with and in assistance to the department of land and natural resources and other state agencies to receive sites, buildings, and objects significant in Hawaii's history and culture, to preserve and administer them for public benefit; to accept, hold, and administer gifts, securities, grants, scholarships, endowments, private bequests or other property of whatsoever character for a comprehensive historical preservation and/or museum's program.

This agency shall be the depository of all resources which are made available or offered of desirable land, historical collections, and donations made by groups and persons as gifts to the state to help insure the Hawaiian heritage.

SECTION 2. Establishment of the Hawaii Foundation for History and the Humanities; board of trustees. There is hereby created an educational, non-profit corporation to be known as the Hawaii Foundation for History and the Humanities which shall be headed by a board of trustees.

The board shall consist of fifteen (15) members of which the following shall serve as ex officio voting members of the board:

- (1) President of the University of Hawaii,
- (2) Chairman of the board of land and natural resources,
- (3) Director of planning and economic development,
- (4) Chairman of the state foundation on culture and arts.

The remaining members shall be chosen by the members of the Hawaii Foundation from its membership at any regular meeting of the Hawaii Foun-

dation except that the initial members of the Board shall be appointed by the Governor of Hawaii. Each member of the Board other than ex officio members shall serve for a term of five years from the expiration of his predecessor's term, except that the members first appointed shall serve for terms of from one to five years as designated by the Governor at the time of appointment.

A vacancy in the Board shall be filled for the balance of the unexpired term as prescribed in the rules and regulations of the Foundation. The Chairman of the Board shall be elected by majority vote of the members of the Board. No compensation shall be paid to members of the Board of Trustees for their services as such members, but they may be reimbursed for travel and actual and reasonable expenses necessarily incurred by them in attending Board meetings and performing other official duties on behalf of the Hawaii Foundation at the direction of the Board.

Membership shall be open to any resident of Hawaii upon payment of such reasonable fees as the board of trustees may prescribe.

SECTION 3. Powers and duties. The Hawaii Foundation for History and the Humanities shall have the following powers and duties:

(1) to have succession until dissolved by Act of the Hawaii State Legislature, in which event title to the properties of the Hawaii Foundation, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the Hawaii Foundation, pass to and become vested in the State of Hawaii;

(2) to sue or be sued in its corporate name;

(3) to adopt, alter, and use a corporate seal;

(4) to adopt a constitution and to make such bylaws, rules and regulations, not inconsistent with the laws of the State of Hawaii, as it deems necessary for the administration of its functions, including among other matter, bylaws, rules and regulations governing visitation to historic properties, museums and other facilities under its control, administration of corporate funds, and the organization and procedure of the Board of Trustees;

(5) to accept, hold, and administer funds and properties from private or governmental agencies for the purposes for which the Hawaii Foundation is created and in accordance with such conditions as the transferring agency or the legislature may prescribe under the law;

(6) to accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, in trust, for the purposes for which the Hawaii Foundation is created. Unless otherwise restricted by the terms of the bequest of gift, the Hawaii Foundation is authorized to sell, exchange, or otherwise dispose of, and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, shall be placed in such depositories as the Hawaii Foundation shall determine and shall be subject to expenditure by the Hawaii Foundation for its corporate purposes;

(7) to acquire by gift, devise, purchase, and to hold in trust real property

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for the state and for the people of Hawaii unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of any real property, or any estate or interest therein with the exception that no designated historic site or monument may be encumbered, conveyed, or disposed of without Legislative approval, as may be necessary and proper in carrying into effect the purposes of the Hawaii Foundation;

(8) to conduct research, studies and investigations in the fields of history and the humanities, and to make, publish, and distribute the results thereof;

(9) to coordinate and correlate activities and projects of the Hawaii Foundation with the work of the University of Hawaii, the department of land and natural resources, the Hawaii Foundation on Culture and the Arts and other state agencies to further the purposes of this Act;

(10) to review the work of the department of land and natural resources and to collaborate with it on its functions under chapter 6, Hawaii Revised Statutes, pertaining to historical objects and sites, and to review such surveys and historic preservation plans as may be required, and to approve properties for nomination to the National Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665;

(11) to enter into contracts and to execute all instruments necessary and appropriate to carry out the purposes of the foundation;

(12) to designate particular places, as places of historic interest, and to take such action, including erection of a sign or marker, as may be appropriate for public recognition and appreciation of such site;

(13) to approve all designations of particular places as places of historical interest.

SECTION 4. Development of Support Programs. The Hawaii Foundation shall develop a continuing comprehensive museum and museum activities support program which shall include, but not be limited to:

(1) providing matching grants-in-aid to governmental or private agencies for projects which fulfill the purposes of this Act;

(2) providing technical assistance and staff development and training opportunities; and

(3) assisting in the training of competent museum personnel and in the development of employment and career opportunities in museum and related fields.

SECTION 5. Annual report. The Hawaii Foundation for History and the Humanities shall submit an annual report to the governor, the state senate, and the state house of representatives. The report shall include, but not be limited to, the total number and amount of gifts received, payroll disbursements, contracts entered into, and progress and accomplishments made during the year.

SECTION 6. Creation of state trust for historic preservation. The Hawaii Foundation for History and the Humanities shall in cooperation with the State Foundation on Culture and the Arts develop a plan for creation of a state trust for historic preservation, the purpose of which will be to provide coordination of the efforts of both foundations in the field of history, and shall present such

plan to the legislature at its next session.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 14, 1969.)