

A Bill for an Act Relating to the Waikiki Aquarium.

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

SECTION 1. The legislature finds that the Waikiki aquarium, although officially governed by the board of regents of the University of Hawaii, is currently operating as a quasi-private institution with the assistance of the friends of the Waikiki aquarium, a private nonprofit entity which generates a significant portion of the aquarium's revenues in support of its operations. Nationwide, forty per cent of all zoos and aquariums are operated by nonprofit organizations in contract with government agencies. The legislature further finds that the Waikiki aquarium fulfills the intent of Article XI of the State Constitution by providing instructional public exhibits, programs, and research emphasizing ways to conserve and protect Hawaii's natural beauty and resources for the benefit of present and future generations.

The legislature further finds that the Waikiki aquarium's present agreement with the research corporation of the University of Hawaii will expire on June 30, 1995, leaving the aquarium with no system for retaining twenty-five full-time non-state employees, or sixty-two per cent of the permanent staff currently working at the aquarium. A 1982 opinion rendered by the Hawaii attorney general's office, indicates that the University of Hawaii has the authority to enter into a contract with an outside entity for the management and operation of the Waikiki aquarium. A similar system has already been implemented by the department of land and natural resources for the operation of Iolani Palace.

The purpose of this Act is to establish the Waikiki aquarium as the state aquarium under the ownership and direction of the University of Hawaii, and to make provisions to allow for the transition of aquarium management to the Friends of the Waikiki Aquarium, a nonprofit entity under contract with the University of Hawaii.

SECTION 2. Part II of Chapter 304, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§304- State aquarium. (a) The Waikiki aquarium is established and designated as the official state aquarium.

(b) The University of Hawaii may contract with a private nonprofit entity for the operation and management of the state aquarium; provided that the entity is a private nonprofit corporation established solely to manage and improve the exhibits and facilities; conduct education, research, volunteer, fund-raising, and membership programs; and operate concessions of the state aquarium.

(c) The status conferred by subsections (a) and (b) shall not impinge on the ownership of land and improvements which shall remain with the University of Hawaii. All board of regents' policies regarding the use of University of Hawaii facilities shall apply to the state aquarium."

SECTION 3. Section 304-31, Hawaii Revised Statutes is amended to read as follows:

"§304-31 [Aquarium and marine laboratory;] State aquarium; site. All those certain pieces or parcels of land situated at Waikiki, city and county of Honolulu, used as an aquarium and more fully described in copy survey furnished number 11528 as all of lots 114 to 118 inclusive and portions of lots 113 and 119 of the Kapiolani park lots as described in Executive Order No. 1817, are set aside for

public purposes, to wit: for the purposes of [an aquarium and marine biological laboratory] the state aquarium under the direction of the board of regents of the University of Hawaii. The board shall establish and at all times maintain upon such lands [an aquarium for] the state aquarium for public programs, education, research, and the exhibition to the public of [fishes and other forms of marine life.] the aquatic life of Hawaii and other regions. It shall also establish and at all times maintain there a marine biological laboratory.”

SECTION 4. Section 304-33, Hawaii Revised Statutes, is amended to read as follows:

“**§304-33 [Waikiki] State aquarium special fund.** There is established a special fund into which shall be deposited all revenues derived from [concessions and] all admission fees [and charges from public agencies and private persons] collected in conjunction with the operation of the [Waikiki] state aquarium. Moneys deposited in this fund shall be expended for the operation of the [Waikiki] state aquarium. The special fund shall not be subject to sections 36-27 and 36-30 relating to special fund reimbursements to the state general fund.”

SECTION 5. Section 304-32, Hawaii Revised Statutes, is amended to read as follows:

“**§304-32 Aquarium admission fee.** The board of regents may charge the public a fee for admission to the aquarium; provided that:

- (1) Children under the age of twelve shall be admitted free; and
- (2) Persons over the age of sixty shall be admitted free if on an excursion or tour sponsored by a senior citizens group].

All funds collected from fees charged in accordance with this section shall be deposited in the [Waikiki] state aquarium special fund.”

SECTION 6. **State aquarium transition.** (a) Notwithstanding any other law to the contrary, the current management arrangements with the research corporation of the University of Hawaii and the University of Hawaii foundation shall continue until a new management arrangement is approved by the board of regents or until June 30, 1997, whichever occurs earlier.

(b) All permanent full-time general fund positions currently held by state employees presently assigned to the Waikiki Aquarium shall remain as such; provided that in the event a management arrangement with a nonprofit corporation is approved by the board of regents pursuant to this section, and section 304- , Hawaii Revised Statutes, the employees shall remain as such under the supervision of that nonprofit corporation; and provided further that any proposed changes shall be subject to chapter 89, Hawaii Revised Statutes, and the applicable collective bargaining agreements.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 8. This Act shall take effect upon its approval.

(Approved June 14, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.