

---

---

# 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 of Hawaii to provide an underlying  
11 baseline of state 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 Bernice Pauahi Bishop Museum, Iolani  
17 Palace, Washington Place, and other state-designated heritage  
18 assets.

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



1           **"§6E-16 Hawaii historic preservation special fund. (a)**

2 There is established a Hawaii historic preservation special fund  
3 into which shall be deposited the following moneys:

4           (1) Appropriations by the legislature to the special fund;

5           (2) Gifts, donations, and grants from public agencies and  
6 private persons;

7           (3) All proceeds collected by the department derived from  
8 historic preserve user fees, historic preserve leases  
9 or concession fees, fees charged to carry out the  
10 purposes of this chapter, or the sale of goods; [and]

11           (4) Civil, criminal, and administrative penalties, fines,  
12 and other charges collected under this chapter or any  
13 rule adopted pursuant to this chapter[-]; and

14           (5) One per cent of all state fund appropriations for  
15           capital improvements designated for the construction  
16           or renovation of state buildings.

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



1 (b) Subject to legislative authorization, the [department  
2 ~~may expend moneys from the fund:~~] moneys in the fund shall be  
3 used solely for the following purposes:

4 (1) For permanent and temporary staff positions;

5 (2) To replenish goods;

6 (3) To produce public information materials;

7 (4) To provide financial assistance to public agencies and  
8 private agencies in accordance with chapter 42F  
9 involved in historic preservation activities other  
10 than those covered by section 6E-9; [and]

11 (5) To cover administrative and operational costs of the  
12 historic preservation program[-]; and

13 (6) Costs related to site modifications, display, and  
14 interpretive work necessary to enhance the visitor  
15 experience for the Bernice Pauahi Bishop Museum,  
16 Iolani Palace, and Washington Place, including  
17 specific preventive maintenance and repairs to restore  
18 these facilities to a condition reflecting their  
19 status in Hawaii's history and the unique heritage of  
20 its arts and culture; provided that the ordinary  
21 maintenance or repair of any feature does not involve  
22 a change in design, material, or outer appearance or



1 change in those characteristics that qualified the  
2 historic property for entry in the Hawaii register of  
3 historic places.

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

20 (d) The comptroller and the Bernice Pauahi Bishop Museum,  
21 Friends of Iolani Palace, and Washington Place shall decide on  
22 the specific site modifications, display, interpretive work, and



1 preventive maintenance and repair projects to be undertaken at  
2 the respective facilities.

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

5 (f) The comptroller shall:

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

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

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

15 (g) The comptroller and the department of land and natural  
16 resources shall track amounts due from each agency under the one  
17 per cent requirement as provided in this section."

18 SECTION 3. The comptroller shall submit to the governor  
19 and the legislature:

20 (1) At least twenty days prior to the convening of the  
21 regular sessions of 2012, 2013, and 2014, a complete  
22 and detailed report on any site modifications,



1 display, interpretive work, and specific preventive  
2 maintenance and repairs for the Bernice Pauahi Bishop  
3 Museum, Iolani Palace, and Washington Place; and

4 (2) At least twenty days prior to the convening of the  
5 regular session of 2015, a final report on the  
6 projects and expenditures for Bernice Pauahi Bishop  
7 Museum, Iolani Palace, and Washington Place, as well  
8 as recommendations for a long-term plan to restore and  
9 protect state-owned historic heritage properties and  
10 facilities to ensure that all Hawaii residents and  
11 visitors are able to access and benefit from the arts,  
12 culture, and heritage experiences that these  
13 properties and facilities 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, 2050.



**Report Title:**

Hawaii Historic Preservation Special Fund; Uses

**Description:**

Requires 1% 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, and Washington Place to the uses of the fund; requires reports to the governor and legislature. Effective 07/01/2050. (SD3)

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

