

A Bill for an Act Relating to the Hawaii Foundation for History and the Humanities.

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

SECTION 1. Sections 6-16.1 and 6-16.2, Hawaii Revised Statutes, are repealed and replaced with two new sections thereto to read as follows:

“Sec. 6-16.1 Establishment of the Hawaii foundation for history and the humanities; board of trustees. There is created an educational, nonprofit public corporation to be known as the Hawaii foundation for history and the humanities which (hereinafter referred to as the ‘foundation’) shall be headed by a board of trustees.

The board shall consist of eleven members of which the chairman of the State foundation on culture and the arts shall serve as an ex officio voting member of the board. The remaining members shall be chosen by the membership of the foundation at any regular meeting. Each member of the board other than the ex officio member shall serve for a term of five years from the expiration of his predecessor’s term. A vacancy on the board shall be filled for the balance of the unexpired term as described in the rules and regulations of the foundation. The chairman of the board shall be elected by a 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 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. The foundation shall be administratively assigned to the department of budget and finance. The foundation may employ a director who shall be exempt from the provisions of chapters 76 and 77, and select necessary additional staff who shall be exempted from chapters 76 and 77.

Sec. 6-16.2 Powers and duties. The foundation shall have the following powers and duties:

- (1) To have succession until dissolved by act of the legislature, in which event title to the properties of the Hawaii foundation shall, insofar as consistent with existing contractual obligations and subject to all

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 rules and regulations, not inconsistent with the laws of the State, as it deems necessary for the administration of its functions, including among other matters, rules and regulations governing visitations to 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 purposes for which the 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 foundation is created. Unless otherwise restricted by the terms of the bequest or gift, the 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 the special account and shall be subject to expenditure by the foundation for its corporate purposes;
- (7) To acquire by gift, devise, purchase, and to hold in trust, properties, for the State and for the people of Hawaii unless otherwise restricted by the terms of the gift or devise, as may be necessary and proper in carrying into effect the purposes of the foundation;
- (8) To conduct research, studies, and investigations in the field of ethno history and the humanities, including archaeology and museum support programs, and to make, publish, and distribute the contributions of individual ethnic groups in their relationship to the make-up of Hawaii;
- (9) To establish within the State, a centralized repository and information resource center and clearinghouse for State and private organizations, agencies, and individuals to further the purposes of this chapter;
- (10) To enter into contracts and to execute all instruments necessary and appropriate to carry out the purposes of the foundation; and
- (11) To establish within the foundation a review board for the Hawaii register of historic places which meets the requirements of Public Law 89-665. The review board shall be appointed by the board of trustees of the foundation and no more than two members of the board of trustees shall be appointed to the review board. Trustee-members of the review board may be reimbursed at the same rate as other members of the review board for official duties performed while serving on the review board.

The review board shall:

- (A) Order and enter historic properties into the Hawaii register of historic places on the basis of their value to Hawaii's heritage.
- (B) Evaluate and nominate historic properties to the national register of historic places.
- (C) Approve and evaluate all designations of historic properties as places of historical interest.
- (D) Review the state survey of historic properties undertaken in accordance with this chapter.
- (E) Review the content of the state preservation plan developed in accordance with this chapter.
- (F) Elect a chairman and vice-chairman and establish such rules of procedure as it deems necessary.
- (G) Maintain the Hawaii register of historic places, including all those listed on the national register of historic places, and a program of notification and publication regarding properties on the register."

SECTION 2. Chapter 6, Hawaii Revised Statutes, is amended by adding three new sections thereto to read as follows:

"Sec. 6-16 Hawaii foundation excepted from certain State laws. In order to promote cooperative research projects with private firms or persons, the corporation shall be granted flexibility in hiring other temporary personnel and in handling and disbursing moneys by being excepted from the following State laws:

- (1) Sections 36-27 and 36-30, relating to special fund reimbursement to the State general fund;
- (2) Sections 103-22 and 103-42 relating to advertising for bids and purchases to be made in Hawaii whenever public moneys are expended;
- (3) Chapter 76, relating to civil service; and
- (4) Section 78-1, relating to employment.

Sec. 6-16 Special account. Notwithstanding any other law to the contrary, the corporation shall be authorized to set up a special account for depositing moneys received from either public or private contracts, or from private or public grants, awards, or gifts. All disbursements shall be drawn on such account upon warrants signed by the president and one other trustee and upon the presentation of vouchers duly approved by the executive director or some other person authorized by the board of trustees.

Sec. 6-16 Multi cultural programs. To establish a multi cultural studies program which shall be responsible for:

- (1) Recording Hawaii's social and cultural history through collection and preservation of oral or written communications with kamaaina Hawaiians and experts;
- (2) Encouraging the ethno historical and multi cultural activities of all ethnic groups; and

- (3) Creating a centralized repository for multi cultural studies and materials.”

SECTION 3. Transition. This Act shall not affect the prior transactions of the Hawaii foundation on history and the humanities, and the members, except ex officio members, of the existing board of trustees of the Hawaii foundation on history and the humanities shall continue in office until their terms expire.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 1974.)