

ACT 293

S. B. NO. 2693-80

A Bill for an Act Relating to Historical Objects and Sites; Culture and Arts; and History and the Humanities.

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

SECTION 1. The purpose of this Act is to dissolve the Hawaii foundation for history and the humanities, to transfer the functional responsibilities for ethnohistorical and cultural program activities to the state foundation on culture and the arts, and to transfer the functional responsibilities for the Hawaii historic places review board activities to the department of land and natural resources.

SECTION 2. Section 9-1, Hawaii Revised Statutes, is amended to read as follows:

“Section 9-1 Definitions. The following terms, whenever used and referred to in this chapter, shall have the following respective meanings unless a different meaning clearly appears in context.

- (1) “Arts” includes music, dance, painting, drawing, sculpture, architecture, drama, poetry, prose, crafts, industrial design, interior design, fashion design, photography, television, motion picture art, unique or decorative plants, landscaping, and all other creative activity of imagination and beauty.
- (2) “Culture” includes the arts, customs, traditions, mores, and history of all of the various ethnic groups of Hawaii.
- (3) “Humanities” includes fields of study or learning activities which deal with human thoughts, attitudes, and values, and encourages the understanding of ideas, values, and experiences which have or will have formative effects upon our culture.”

SECTION 3. Section 9-3, Hawaii Revised Statutes, is amended to read as follows:

“Section 9-3 Duties. The foundation shall:

- (1) Assist in coordinating the plans, programs, and activities of individuals, associations, corporations, and agencies concerned with the preservation and furtherance of culture and the arts and history and the humanities;
- (2) Appraise the availability, adequacy, and accessibility of culture and the arts and history and the humanities to all persons throughout the State and devise programs whereby culture and the arts and history and the humanities can be brought to those who would otherwise not have the opportunity to participate;
- (3) Stimulate, guide, and promote culture and the arts and history and the humanities throughout the State;
- (4) Devise and recommend legislative and administrative action for the preservation and furtherance of culture and the arts and history and the humanities;
- (5) Study the availability of private and governmental grants for the promotion and furtherance of culture and the arts and history and the humanities;

- (6) Through its chairman administer funds allocated by grant, gift, or bequest to the foundation; accept, hold, disburse, and allocate funds which may become available from other governmental and private sources; provided that all such funds shall be disbursed or allocated in compliance with any specific designation stated by the donor and in the absence of such designation, such funds shall be disbursed or allocated for the promotion and furtherance of culture and the arts and history and the humanities;
- (7) Select and employ a director to serve on a part-time or full-time basis who shall be a person who by reason of education or extensive experience is generally recognized as being professionally qualified in the administration of programs in the fields of culture and the arts and history and the humanities, who is familiar with the peoples and cultures of Hawaii, and who shall be exempt from the provisions of chapters 76 and 77 and select necessary additional staff subject to chapters 76 and 77, within available appropriations;
- (8) Submit an annual report with recommendations to the governor and legislature, prior to February 1, of each year; provided that the second annual report thereof shall include recommendations as to the responsibility and role which the State should assume in the long-run with respect to preservation and furtherance of culture and the arts and history and the humanities in Hawaii and as to organization and administrative arrangements which should be provided for in law and otherwise. Annual reports shall include the total number and amount of gifts received, payroll disbursements, contracts entered into, and progress and accomplishments made during the year;
- (9) Display student art works in public buildings, sponsor student art displays, and in other ways encourage the development of creative talent among the young people of Hawaii;
- (10) In cooperation with qualified organizations conduct research, studies, and investigations in the fields of ethnohistory and the humanities; make, publish, and distribute works documenting the contributions of individual ethnic groups in their relationship to one another and to the whole population of Hawaii; place ethnohistorical and cultural materials developed by the foundation or received by the foundation as gifts and donations in public archives, libraries, and other suitable institutions accessible to the public; and maintain a register of the location of such materials; and
- (11) Cooperate with and assist the department of land and natural resources and other state agencies in developing and implementing programs relating to historic preservation, research, restoration and presentation, as well as museum activities."

SECTION 4. The Hawaii foundation for history and the humanities, an educational, nonprofit public corporation, is hereby dissolved and all title to the properties of the Hawaii foundation for history and the humanities 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.

SECTION 5. All rights, powers, functions, and duties of the Hawaii foundation for history and the humanities granted under sections 6-16, 6-16.1 through 6-16.9, Hawaii Revised Statutes, which do not relate to the review board for the Hawaii register of historic places of the Hawaii foundation for history and the humanities, are transferred to the state foundation on culture and the arts.

All appropriations, records, equipment, machines, files and supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the Hawaii foundation for history and the humanities shall be transferred with the functions to which they relate.

SECTION 6. Sections 6-16, 6-16.1 through 6-16.9, Hawaii Revised Statutes, are repealed.

SECTION 7. Chapter 6, Hawaii Revised Statutes, is amended by amending its title to read:

“MEMORIALS”

SECTION 8. Section 58-5, Hawaii Revised Statutes, is amended to read as follows:

“**Section 58-5 State assistance.** The department of land and natural resources and the University of Hawaii shall cooperate with and to the fullest extent possible assist the counties and their respective committees in carrying out this chapter.”

SECTION 9. Chapter 6E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 6E- The Hawaii historic places review board; creation; powers; appointments; composition.** (a) There is created a review board, to be designated the Hawaii historic places review board, for the Hawaii register of historic places and the national register of historic places which shall meet the requirements of federal law. The board shall be placed within the department of land and natural resources for administrative purposes and shall consist of ten members to be appointed and removed by the governor as provided in section 26-34. The board shall include one professionally qualified member of each of the following disciplines: archeology, architecture, history, and sociology. In addition, there shall be one person knowledgeable in traditional Hawaiian society and culture.

(b) The review board shall:

- (1) Order and enter historic properties into the Hawaii register of historic places on the basis of their value to Hawaii's heritage;
- (2) Evaluate and, when appropriate, recommend the nomination of historic properties to the national register of historic places;
- (3) Review the state survey of historic properties undertaken in accordance with this chapter;
- (4) Review the content of the state historic preservation plan developed in accordance with this chapter;
- (5) Elect a chairman and a vice-chairman and adopt such rules as are necessary for the purposes of this section;
- (6) Maintain the Hawaii register of historic places, including all those listed on

ACT 293

the national register of historic places, and a program of notification and publication regarding properties on the registers.”

SECTION 10. Notwithstanding section 26-34, Hawaii Revised Statutes, the terms of the present members of the Hawaii historic places review board first appointed before January 1, 1974 shall expire on January 1, 1982. The terms of present members of the review board first appointed after January 1, 1974 shall expire on January 1, 1984. The members of the review board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

SECTION 11. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 12. This Act shall take effect upon its approval.

(Approved June 17, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.