

ACT 207

H.B. NO. 1753

A Bill for an Act Relating to the Hawaii Historic Preservation Special Fund.

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

SECTION 1. Section 6E-3, Hawaii Revised Statutes, is amended to read as follows:

“**§6E-3 Historic preservation program.** There is established within the department a division to administer a comprehensive historic preservation program, which shall include[,] but not be limited to[,] the following:

- (1) Development of an on-going program of historical, architectural, and archaeological research and development, including surveys, excavations, scientific recording, interpretation, and publications on the State’s historical and cultural resources;
- (2) Acquisition of historic or cultural properties, real or personal, in fee or in any lesser interest, by gift, purchase, condemnation, devise, bequest, land exchange, or other means; preservation, restoration, administration, or transference of the property; and the charging of reasonable admissions to that property;
- (3) Development of a statewide survey and inventory to identify and document historic properties, aviation artifacts, and burial sites, including all those owned by the State and the counties;
- (4) Preparation of information for the Hawaii register of historic places and listing on the national register of historic places;
- (5) Preparation, review, and revisions of a state historic preservation plan, including budget requirements and land use recommendations;
- (6) Application for and receipt of gifts, grants, technical assistance, and other funding from public and private sources for the purposes of this chapter;
- (7) Provision of technical and financial assistance to the counties and public and private agencies involved in historic preservation activities;
- (8) Coordination of activities of the counties in accordance with the state plan for historic preservation;

- (9) Stimulation of public interest in historic preservation, including the development and implementation of interpretive programs for historic properties listed on or eligible for the Hawaii register of historic places;
- (10) Coordination of the evaluation and management of burial sites as provided in section 6E-43;
- (11) Acquisition of burial sites in fee or in any lesser interest, by gift, purchase, condemnation, devise, bequest, land exchange, or other means, to be held in trust;
- (12) Submittal of an annual report to the governor and legislature detailing the accomplishments of the year [and], recommendations for changes in the state plan or future programs relating to historic preservation[.]; and an accounting of all income, expenditures, and the fund balance of the Hawaii historic preservation special fund;
- (13) Regulation of archaeological activities throughout the State;
- (14) Employment of sufficient professional and technical staff for the purposes of this chapter without regard to chapters 76 and 77;
- (15) Adoption of rules in accordance with chapter 91, necessary to carry out the purposes of this chapter; and
- (16) Development and adoption, in consultation with the [Office] office of Hawaiian [Affairs] affairs native historic preservation council, of rules governing permits for access by native Hawaiians and Hawaiians to cultural, historic, and pre-contact sites and monuments.’’

SECTION 2. Section 6E-16, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) There is established a Hawaii historic preservation special fund into which shall be deposited the following moneys:

- (1) Appropriations by the legislature to the special fund; [and]
- (2) Gifts, donations, and grants from public agencies and private persons[.]; and
- (3) All proceeds collected by the department derived from historic preserve user fees, historic preserve leases or concession fees, or the sale of goods.

All interest earned or accrued on moneys deposited in the fund shall become part of the fund. The fund shall be administered by the department [of land and natural resources]; provided that the department may contract with a public or private agency to provide the day-to-day management of the fund.

(b) The department may expend moneys from the fund to replenish goods, to produce public information materials, and to provide financial assistance to public agencies and private agencies in accordance with chapter 42D involved in historic preservation activities other than those covered by section 6E-9.’’

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1997.

(Approved June 16, 1997.)