
A BILL FOR AN ACT

RELATING TO THE ARTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Since the 2008 regular legislative session, the
2 State of Hawaii has experienced the largest economic downturn in
3 the State's history, with recent forecasts from the council on
4 revenues projecting a \$2,000,000,000 shortfall in revenues from
5 fiscal year 2009 to fiscal year 2011. The magnitude of the
6 revenue shortfalls means that Hawaii's diverse array of culture
7 and arts network of artists, performing arts organizations,
8 museums, galleries and art retailers, ethnic neighborhoods,
9 entertainers, musicians, and school arts programs are at risk of
10 being eliminated unless the State of Hawaii reaffirms its strong
11 commitment to maintain a vibrant cultural community that is at
12 the core of Hawaii's multicultural values.

13 During fiscal biennium 2007-2009, the Hawaii state
14 foundation on culture and arts funded \$2,200,000 worth of grants
15 to performing and visual arts organizations. This amount
16 leveraged an additional \$28,200,000 into Hawaii's economy and
17 was, in effect, more than a twelve to one match from federal and



1 private sources. Any reduction to the agency's grant programs
2 could result in the loss of two thousand three hundred and fifty
3 seven jobs that contribute over \$1,000,000 to the State's
4 economy in taxable income.

5 At the same time, Hawaii's diverse range of cultural and
6 arts offerings also play an important role in preserving the
7 uniqueness of the Hawaii visitor experience and maintaining a
8 steady flow of visitors to Hawaii's shores from the mainland and
9 overseas.

10 The legislature finds that the works of art special fund
11 will experience a substantial increase in the level of bond
12 proceeds deposited into the fund during 2009-2012 as state
13 construction is dramatically increased to stabilize Hawaii's
14 economy, and to create jobs to upgrade Hawaii's transportation
15 infrastructure and educational facilities.

16 The purpose of this Act is to authorize use of the State's
17 works of art special fund to support a broader range of works of
18 art acquisition and creation during the period between 2009 to
19 2012.

20 Finally, the legislature finds that the use of the State's
21 works of art special fund proceeds to support the operations of



1 the Hawaii state foundation on culture and the arts is a public
2 purpose.

3 SECTION 2. Section 103-8.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§103-8.5 Works of art special fund. (a) There is
6 created a works of art special fund, into which shall be
7 transferred one per cent for works of art of all state fund
8 appropriations for capital improvements designated for the
9 construction cost element; provided that this transfer shall
10 apply only to capital improvement appropriations that are
11 designated for the construction or renovation of state
12 buildings. The one per cent transfer requirement shall not
13 apply to appropriations from the passenger facility charge
14 special fund established by section 261-5.5 and the rental motor
15 vehicle customer facility charge special fund established under
16 section 261-5.6.

17 (b) The works of art special fund shall be used solely for
18 the following purposes:

19 (1) Costs related to the acquisition of works of art,
20 including any consultant or staff services required to
21 carry out the art in public places and relocatable
22 works of art programs[+], for all state buildings and



1 the Bernice Pauahi Bishop Museum and the Iolani
2 Palace;

3 (2) Costs related to the creation of an electronic,
4 digital, or other permanent record of works of art, as
5 defined in section 103-8.5(g);

6 ~~[(2)]~~ (3) Site modifications, display, and interpretive
7 work necessary for the exhibition of works of art~~[7]~~,
8 including works of art for the Bernice Pauahi Bishop
9 Museum and the Iolani Palace;

10 ~~[(3)]~~ (4) Upkeep services, including maintenance, repair,
11 and restoration of works of art, including works of
12 art for the Bernice Pauahi Bishop Museum and the
13 Iolani Palace; and

14 ~~[(4)]~~ (5) Storing and transporting works of art.

15 (c) The one per cent amount, which is included in all
16 capital improvement appropriations, shall be calculated at the
17 time the appropriation bills are signed into law. The moneys
18 shall be transferred into the works of art special fund upon
19 availability of moneys from the appropriations. Each agency
20 receiving capital improvement appropriations shall calculate the
21 one per cent amount and transfer the moneys into the works of
22 art special fund.



1 (d) The comptroller and the state foundation on culture
2 and the arts shall decide on [~~the~~] specific art objects to
3 acquire^[7] or to create, giving first consideration to placing
4 appropriate pieces of art at the locations of the original
5 appropriation.

6 The selection of, commissioning artists for, reviewing of
7 design, execution, and placement of, and the acceptance of works
8 of art shall be the responsibility of the comptroller and the
9 state foundation on culture and the arts in consultation with
10 the affected agency or department.

11 Expenditures from the works of art special fund shall be
12 made by the comptroller.

13 (e) The comptroller shall:

14 (1) Provide each agency receiving capital improvement
15 appropriations with information regarding items that
16 shall be included and excluded from the one per cent
17 amount;

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

20 (3) Ensure that each agency transfers the correct amount
21 to the works of art special fund in a timely manner.



1 (f) The comptroller and the executive director shall track
2 amounts due from each agency under the one per cent requirement
3 as provided in this section.

4 (g) For the purposes of this section:

5 "Permanent display" means the process of capturing and
6 preserving a live performance on film by creating a visual and
7 audio recording or other permanent record from digital or
8 electronic media.

9 "Works of art" includes "arts" as defined in section 9-1,
10 as well as live performing arts, which include live music,
11 dance, drama, choreographed athletic or acrobatic performances,
12 poetry readings, speeches, lectures, and any process by which
13 arts and live performances can be made into a permanent
14 display."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2050;
18 provided that section 2 shall be repealed on December 31, 2011,
19 and section 103-8.5, Hawaii Revised Statutes, shall be reenacted
20 in the form in which it read on the day before the approval of
21 this Act.



Report Title:

Culture and Arts; Works of Art

Description:

Authorizes use of bond proceeds deposited into State's works of art special fund to support operations of culture and art organizations. Provides financial assistance for Bishop Museum and Iolani Palace for the acquisition and costs associated with works of art. Defines "works of art" to include, among other things, permanent displays of arts and live performances.

(SB602 HD1)

