
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 shortfall means that Hawaii's diverse array of culture
7 and arts, and 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 reaffirms its strong
11 commitment to maintaining a vibrant cultural community that is
12 at 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 in grants to
15 performing and visual arts organizations. This amount leveraged
16 an additional \$28,200,000 into Hawaii's economy and was, in
17 effect, more than a twelve to one match from federal and private



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

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

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

18 Finally, the legislature finds that the use of the State's
19 works of art special fund proceeds to support the operations of
20 the Hawaii state foundation on culture and the arts is a public
21 purpose.



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

3 "§103-8.5 Works of art special fund. (a) There is
4 created a works of art special fund, into which shall be
5 transferred one per cent for works of art of all state fund
6 appropriations for capital improvements designated for the
7 construction cost element; provided that this transfer shall
8 apply only to capital improvement appropriations that are
9 designated for the construction or renovation of state
10 buildings. The one per cent transfer requirement shall not
11 apply to appropriations from the passenger facility charge
12 special fund established by section 261-5.5 and the rental motor
13 vehicle customer facility charge special fund established under
14 section 261-5.6.

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

17 (1) Costs related to the acquisition of works of art,
18 including any consultant or staff services required to
19 carry out the art in public places and relocatable
20 works of art programs [+], for all state buildings,
21 the Bernice Pauahi Bishop Museum, and Iolani Palace;



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

4 [~~(2)~~] (3) Site modifications, display, and interpretive
5 work necessary for the exhibition of works of art [?],
6 including works of art for the Bernice Pauahi Bishop
7 Museum and the Iolani Palace;

8 [~~(3)~~] (4) Upkeep services, including maintenance, repair,
9 and restoration of works of art [?], including works of
10 art for the Bernice Pauahi Bishop Museum and the
11 Iolani Palace; and

12 [~~(4)~~] (5) Storing and transporting works of art.

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

21 (d) The comptroller and the state foundation on culture
22 and the arts shall decide on [~~the~~] specific art objects to



1 acquire~~[7]~~ or to create, giving first consideration to placing
2 appropriate pieces of art at the locations of the original
3 appropriation.

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

9 Expenditures from the works of art special fund shall be
10 made by the comptroller.

11 (e) The comptroller shall:

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

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

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

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



1 (g) For the purposes of this section:

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

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

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2020;
15 provided that section 2 shall be repealed on December 31, 2011,
16 and section 103-8.5, Hawaii Revised Statutes, shall be reenacted
17 in the form in which it read on the day before the approval of
18 this Act.



S.B. NO. 602
S.D. 2
H.D. 2

Report Title:

Culture and Arts; Works of Art

Description:

Authorizes use of the one percent of appropriations for capital improvement projects that is deposited into the State's works of art special fund to support performing arts and recordings of live performances, and acquisition, upkeep, and restoration of works of art for Bishop Museum and Iolani Palace. Takes effect July 1, 2020. (SB602 HD2)

SB602 HD2 HMS 2009-3732

