

JAN 23 2009

A BILL FOR AN ACT

RELATING TO WORKS OF ART SPECIAL FUND.

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

1 SECTION 1. Section 6E-35, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) To receive state funds, including funds under section
4 103-8.5, the State of Hawaii Museum of Monarchy History shall:

5 (1) Be licensed or accredited, in accordance with federal,
6 state, or county statutes, rules, or ordinances, to
7 conduct the activities or provide the services for
8 which funds are appropriated;

9 (2) Comply with all applicable federal and state laws
10 prohibiting discrimination against any person on the
11 basis of race, color, national origin, religion,
12 creed, sex, age, sexual orientation, or disability;

13 (3) Agree not to use the funds for entertainment or
14 lobbying activities;

15 (4) Be incorporated under the laws of the State;



- 1 (5) Have bylaws or policies that describe the manner in
2 which the activities or services for which a grant or
3 subsidy is awarded shall be conducted or provided;
- 4 (6) Have been determined and designated to be a tax-exempt
5 organization by the Internal Revenue Service; and
- 6 (7) Have a governing board whose members shall have no
7 material conflict of interest and serve without
8 compensation."

9 SECTION 2. Section 6E-40, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§6E-40 Bernice Pauahi Bishop Museum.** The official
12 designation of the Bernice Pauahi Bishop Museum shall be the
13 State of Hawaii Museum of Natural and Cultural History. The
14 qualifying standards and conditions related to the receipt of
15 funds contained in chapter 42F shall not apply to funds received
16 by the State of Hawaii Museum of Natural and Cultural History;
17 provided that if the museum in turn contracts with a recipient
18 or provider, then the qualifying standards, conditions, and
19 other provisions of chapter 42F shall apply to the recipient or
20 provider and the contract.

21 The Bernice Pauahi Bishop Museum may receive funds from the
22 works of art special fund established by section 103-8.5."



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

3 1. By amending subsection (b) to read as follows:

4 "(b) The works of art special fund shall be used solely
5 for the following purposes:

- 6 (1) Costs related to the acquisition of works of art,
7 including any consultant or staff services required to
8 carry out the art in public places and relocatable
9 works of art programs;
- 10 (2) Site modifications, display, and interpretive work
11 necessary for the exhibition of works of art;
- 12 (3) Upkeep services, including maintenance, repair, and
13 restoration of works of art;
- 14 (4) Storing and transporting works of art[-]; and
- 15 (5) Costs related to the acquisition, display, disposal,
16 upkeep, maintenance, repair, and restoration of works
17 of art, artifacts, or historical buildings, for the:
- 18 (A) Iolani Palace, as provided under section 6E-35;
19 and
- 20 (B) Bernice Pauahi Bishop Museum, as provided under
21 section 6E-40."



1 2. By amending subsections (d), (e), and (f) to read as
2 follows:

3 "(d) [The] For purposes of subsection (b), the
4 comptroller and the [state]:

5 (1) State foundation on culture and the arts [shall] with
6 respect to works of art in public places;

7 (2) State of Hawaii Museum of Monarchy History with
8 respect to works of art, artifacts, and projects for
9 upkeep of historical buildings for the Iolani Palace;
10 and

11 (3) Bernice Pauahi Bishop Museum with respect to works of
12 art, artifacts, and projects for the upkeep of
13 historical buildings for the museum;

14 shall decide on the specific art objects or artifacts, as
15 applicable, to acquire, giving first consideration to placing
16 appropriate pieces of art at the locations of the original
17 appropriation[-] for placement of works of art in public places,
18 as well as decide on the specific projects for the upkeep of
19 historical buildings. Acquisition and placement of pieces of
20 art and artifacts in the Bernice Pauahi Bishop Museum and the
21 Iolani Palace shall be solely determined by that museum or the
22 Iolani Palace, as applicable.



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

6 The selection of works of art and artifacts, not including
7 the commissioning of artists, for the Iolani Palace and the
8 Bernice Pauahi Bishop Museum shall be the responsibility of the
9 comptroller and the State of Hawaii Museum of Monarchy History
10 or the Bernice Pauahi Bishop Museum, as applicable.

11 Expenditures from the works of art special fund shall be
12 made by the comptroller. The Iolani Palace and the Bernice
13 Pauahi Bishop Museum shall be entitled to expenditures from the
14 works of art special fund, notwithstanding the absence of one
15 per cent transfer of moneys into the fund under subsection (a)
16 from these entities. The comptroller shall adopt rules pursuant
17 to chapter 91 necessary for purposes of expenditures from the
18 works of art special fund to the Iolani Palace and the Bernice
19 Pauahi Bishop Museum.

20 (e) The comptroller shall:

21 (1) Provide each agency receiving capital improvement
22 appropriations with information regarding items that



1 shall be included and excluded from the one per cent
2 amount;

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

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

7 The Bernice Pauahi Bishop Museum and the Iolani Palace shall be
8 exempt from this subsection.

9 (f) The comptroller and the executive director shall track
10 amounts due from each agency, except the Bernice Pauahi Bishop
11 Museum and the Iolani Palace, under the one per cent requirement
12 as provided in this section."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2009.

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Report Title:

Culture and Arts; Works of Art Special Fund

Description:

Allows expenditures from works of art special fund for acquisition of works of art for the Bernice Pauahi Bishop Museum and Iolani Palace.

