
A BILL FOR AN ACT

RELATING TO ART.

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

1 SECTION 1. Chapter 9, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§9- Disposition of works of art; auction. (a) The
5 foundation may designate works of art acquired by the State to
6 be disposed of by the foundation.

7 (b) Works of art designated by the foundation shall be
8 disposed of by public auction, which may include public auction
9 via the internet, after notice of the disposition has been
10 published at least once in each of three successive weeks in a
11 newspaper of general circulation in the state, the last
12 publication being not fewer than ten days before the date of the
13 auction. The notice shall include:

14 (1) The time and venue of the auction, including the
15 internet address as appropriate;

16 (2) Descriptions of the works of art to be disposed of;
17 and



1 (3) The minimum price at which the works of art may be
2 purchased.

3 (c) A work of art shall be sold to the highest bidder;
4 provided that if the highest bid is less than the greater of:

5 (1) One-hundred ten per cent of the cost at which it was
6 acquired by the State; or

7 (2) The appraisal value at the time it was acquired by the
8 State,

9 the foundation may decline the sale to the highest bidder, and
10 may reoffer the work of art at a subsequent public auction.

11 (d) All transactions shall be completed within fourteen
12 days of the winning bid; provided that if a transaction is not
13 completed within that time, the opportunity to purchase the work
14 of art shall be offered to the next highest bidder if the bid
15 satisfies the requirements of subsection (c).

16 (e) No action or proceeding shall be brought or maintained
17 against the State or any officer thereof on account of a
18 disposition under this section.

19 (f) The proceeds from the disposition of works of art
20 under this section shall be deposited into the works of art
21 special fund established under section 103-8.5 and used to
22 purchase new works of art as provided by that section."



1 SECTION 2. Section 9-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§9-3 Duties. The foundation shall:

4 (1) Assist in coordinating the plans, programs, and
5 activities of individuals, associations, corporations,
6 and agencies concerned with the preservation and
7 furtherance of culture and the arts and history and
8 the humanities;

9 (2) Establish written standards and criteria by which
10 grant contracts shall be evaluated;

11 (3) Appraise the availability, adequacy, and accessibility
12 of culture and the arts and history and the humanities
13 to all persons throughout the [~~State~~] state and devise
14 programs whereby culture and the arts and history and
15 the humanities can be brought to those who would
16 otherwise not have the opportunity to participate;

17 (4) Stimulate, guide, and promote culture and the arts and
18 history and the humanities throughout the [~~State,~~]
19 state;

20 (5) Devise and recommend legislative and administrative
21 action for the preservation and furtherance of culture
22 and the arts and history and the humanities;



1 (6) Study the availability of private and governmental
2 grants for the promotion and furtherance of culture
3 and the arts and history and the humanities;

4 (7) Through its executive director:

5 (A) Administer funds allocated by grant, gift, or
6 bequest to the foundation; accept, hold,
7 disburse, and allocate funds that may become
8 available from other governmental and private
9 sources; provided that all those funds shall be
10 disbursed or allocated in compliance with any
11 specific designation stated by the donor and in
12 the absence of any designation, the funds shall
13 be disbursed or allocated for the promotion and
14 furtherance of culture and the arts and history
15 and the humanities; and

16 (B) Accept, hold, disburse, and allocate public funds
17 that are made available to the foundation by the
18 legislature for disbursement or allocation,
19 pursuant to the standards and procedures
20 established in part II, for the promotion and
21 furtherance of culture and the arts and history
22 and the humanities;



- 1 (8) Submit an annual report with recommendations to the
2 governor and legislature, prior to February 1, of each
3 year. Annual reports shall include the total number
4 and amount of gifts and other grants and income
5 received, payroll disbursements, contracts entered
6 into, and progress and accomplishments made during the
7 year, including the efforts of the Hawaii arts
8 education partners and its progress in implementing
9 the Hawaii arts education strategic plan and the
10 accomplishments of the art in public places and
11 relocatable works of art programs and the state art
12 museum;
- 13 (9) Convene the Hawaii arts education partners, which is
14 composed of the department of education, the colleges
15 of education and arts and humanities of the University
16 of Hawaii at Manoa, the Hawaii Association of
17 Independent Schools, and the Hawaii Alliance for Art
18 Education, to fully implement the terms of the Hawaii
19 arts education strategic plan;
- 20 (10) Display student art works in public buildings, sponsor
21 student art displays, promote arts education, and in



- 1 other ways encourage the development of creative
2 talent among the young people of Hawaii;
- 3 (11) In cooperation with qualified organizations, conduct
4 research, studies, and investigations in the fields of
5 ethnohistory and the humanities:
- 6 (A) Make, publish, and distribute works documenting
7 the contributions of individual ethnic groups in
8 their relationship to one another and to the
9 whole population of Hawaii;
- 10 (B) Place ethnohistorical and cultural materials
11 developed by the foundation or received by the
12 foundation as gifts and donations in public
13 archives, libraries, and other suitable
14 institutions accessible to the public; and
- 15 (C) Maintain a register of the location of such
16 materials;
- 17 (12) Cooperate with and assist the department of land and
18 natural resources and other [~~state~~] State agencies in
19 developing and implementing programs relating to
20 historic preservation, research, restoration, and
21 presentation, as well as museum activities;



- 1 (13) Establish an individual artist fellowship program to
2 encourage artists to remain and work in Hawaii and to
3 reaffirm the importance of Hawaii's artists and their
4 cultural and economic contributions to the [State]
5 state by:
- 6 (A) Recognizing and honoring Hawaii's exceptionally
7 talented visual and performing artists for their
8 outstanding work in and commitment to the arts;
9 and
- 10 (B) Enabling these artists to further their artistic
11 goals;
- 12 (14) In consultation with the comptroller and affected
13 agencies and departments, administer the art in public
14 places and relocatable works of art programs
15 established pursuant to section 103-8.5; [~~and~~]
- 16 (15) Administer the operations of the state art museum
17 established pursuant to section 9-22[-]; and
- 18 (16) Oversee the disposition of works of art by public
19 auction."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Karen Curran

Jim Buck

Rick Citarista

Jim Hwang

Nancy Meyers

Tom Brown

Jim

Ray Hanshaw

Kal Hood

James Gray

Mark DeKastria

JAN 26 2010



Report Title:

State Works of Art; Sale by Auction

Description:

Allows for the disposition by auction of works of art acquired by the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

