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# 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; public auction. (a)

5 The foundation may designate works of art acquired by the State  
6 to 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 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."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on January 1, 2112.





**Report Title:**

State Works of Art; Sale by Public Auction

**Description:**

Allows for the disposition by public auction of works of art acquired by the State. Effective January 1, 2112. (HB2817 HD1)

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

