
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, Hawaii state foundation
14 on culture and arts funded \$2.2 million worth of grants to
15 performing/visual arts organizations. This amount leveraged an
16 additional \$28,200,000 into Hawaii's economy and was, in effect,
17 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 2,357 jobs that contribute over \$1,000,000
3 to the State's economy in taxable income.

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

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 during the period between 2009 to
18 2012.

19 Finally, the legislature finds that the use of the State's
20 works of art special fund proceeds to support the operations of
21 the Hawaii state foundation on culture and the arts is a public
22 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;

1 (2) Costs related to creation of an electronic, digital,
2 or other permanent record of works of art, as defined
3 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 [~~(3)~~] (4) Upkeep services, including maintenance, repair,
7 and restoration of works of art; and

8 [~~(4)~~] (5) Storing and transporting works of art.

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

17 (d) The comptroller and the state foundation on culture
18 and the arts shall decide on [~~the~~] specific art objects to
19 acquire[~~r~~] or to create, giving first consideration to placing
20 appropriate pieces of art at the locations of the original
21 appropriation.

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

6 Expenditures from the works of art special fund shall be
7 made by the comptroller.

8 (e) The comptroller shall:

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

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

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

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

20 (g) For the purposes of this section:

21 "Permanent display" means the process of capturing and
22 preserving a live performance on film by creating a visual and

1 audio recording or other permanent record from digital or
2 electronic media.

3 "Works of art" includes "arts" as defined in section 9-1,
4 as well as live performing arts, which include, but are not
5 limited to, live music, dance, drama, choreographed athletic or
6 acrobatic performances, poetry readings, speeches, and lectures,
7 and any process by which arts and live performances can be made
8 into a permanent display."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2050;
12 provided that section 2 shall be repealed on December 31, 2011,
13 and section 103-8.5, Hawaii Revised Statutes, shall be reenacted
14 in the form in which it read on the day before the approval of
15 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. Defines "works of art" to include, among other things, live performing arts and permanent displays of arts and live performances. Sunsets 12/31/11. (SD1)