

JAN 21 2011

S.B. NO. 117

A BILL FOR AN ACT

RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS.

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

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

4 "§9- Sale of art inventory. (a) The foundation may
5 sell art work in its inventory. The foundation shall adopt
6 rules pursuant to chapter 91 to establish minimum criteria for
7 the sale or other disposition of its collection.

8 (b) Any proceeds derived from the sale or other
9 disposition of art work authorized under this section shall be
10 deposited in the works of art special fund established pursuant
11 to section 103-8.5.

12 §9- Art work in private entities. The foundation shall
13 establish a program for lending art work in its collection to
14 private entities and organizations at no charge; provided that
15 the private entity displays the art work in a secure area with
16 adequate exhibition space that is designed, operated, and
17 maintained in a manner that preserves the archival integrity of
18 the art work being displayed. The foundation may adopt rules



1 pursuant to chapter 91 to establish additional criteria for
2 borrowers, to prevent the degradation of all borrowed art work.
3 For the purposes of this section, "borrower" means a private
4 entity, business, or organization that borrows art from the
5 foundation under the terms of this section."

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

8 **"§9-3 Duties.** The foundation shall:

- 9 (1) Assist in coordinating the plans, programs, and
10 activities of individuals, associations, corporations,
11 and agencies concerned with the preservation and
12 furtherance of culture and the arts and history and
13 the humanities;
- 14 (2) Establish written standards and criteria by which
15 grant contracts shall be evaluated;
- 16 (3) Appraise the availability, adequacy, and accessibility
17 of culture and the arts and history and the humanities
18 to all persons throughout the State and devise
19 programs whereby culture and the arts and history and
20 the humanities can be brought to those who would
21 otherwise not have the opportunity to participate;



- 1 (4) Stimulate, guide, and promote culture and the arts and
2 history and the humanities throughout the State;
- 3 (5) Devise and recommend legislative and administrative
4 action for the preservation and furtherance of culture
5 and the arts and history and the humanities;
- 6 (6) Study the availability of private and governmental
7 grants for the promotion and furtherance of culture
8 and the arts and history and the humanities;
- 9 (7) Through its executive director:
 - 10 (A) Administer funds allocated by grant, gift, or
11 bequest to the foundation; accept, hold,
12 disburse, and allocate funds that may become
13 available from other governmental and private
14 sources; provided that all those funds shall be
15 disbursed or allocated in compliance with any
16 specific designation stated by the donor and in
17 the absence of any designation, the funds shall
18 be disbursed or allocated for the promotion and
19 furtherance of culture and the arts and history
20 and the humanities; and
 - 21 (B) Accept, hold, disburse, and allocate public funds
22 that are made available to the foundation by the



1 legislature for disbursement or allocation,
2 pursuant to the standards and procedures
3 established in part II, for the promotion and
4 furtherance of culture and the arts and history
5 and the humanities;

6 (8) Submit an annual report with recommendations to the
7 governor and legislature, prior to February 1, of each
8 year. Annual reports shall include the total number
9 and amount of gifts and other grants and income
10 received, payroll disbursements, contracts entered
11 into, and progress and accomplishments made during the
12 year, including the efforts of the Hawaii arts
13 education partners and its progress in implementing
14 the Hawaii arts education strategic plan and the
15 accomplishments of the art in public places and
16 relocatable works of art programs and the state art
17 museum;

18 (9) Convene the Hawaii arts education partners, which is
19 composed of the department of education, the colleges
20 of education and arts and humanities of the University
21 of Hawaii at Manoa, the Hawaii Association of
22 Independent Schools, and the Hawaii Alliance for Art



1 Education, to fully implement the terms of the Hawaii
2 arts education strategic plan;

3 (10) Display student art works in public buildings, sponsor
4 student art displays, promote arts education, and in
5 other ways encourage the development of creative
6 talent among the young people of Hawaii;

7 (11) In cooperation with qualified organizations, conduct
8 research, studies, and investigations in the fields of
9 ethnohistory and the humanities:

10 (A) Make, publish, and distribute works documenting
11 the contributions of individual ethnic groups in
12 their relationship to one another and to the
13 whole population of Hawaii;

14 (B) Place ethnohistorical and cultural materials
15 developed by the foundation or received by the
16 foundation as gifts and donations in public
17 archives, libraries, and other suitable
18 institutions accessible to the public; and

19 (C) Maintain a register of the location of such
20 materials;

21 (12) Cooperate with and assist the department of land and
22 natural resources and other state agencies in



1 developing and implementing programs relating to
2 historic preservation, research, restoration, and
3 presentation, as well as museum activities;

4 (13) Establish an individual artist fellowship program to
5 encourage artists to remain and work in Hawaii and to
6 reaffirm the importance of Hawaii's artists and their
7 cultural and economic contributions to the State by:

8 (A) Recognizing and honoring Hawaii's exceptionally
9 talented visual and performing artists for their
10 outstanding work in and commitment to the arts;

11 and

12 (B) Enabling these artists to further their artistic
13 goals;

14 (14) In consultation with the comptroller and affected
15 agencies and departments, administer the art in public
16 places and relocatable works of art programs
17 established pursuant to section 103-8.5; [and]

18 (15) Administer the operations of the state art museum
19 established pursuant to section 9-22[-]; and

20 (16) Collaborate with public and private sector entities to
21 promote and display the works of art in its
22 collection."



1 SECTION 3. Section 6E-16, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Subject to legislative authorization, the department
4 may expend moneys from the fund:

5 (1) For permanent and temporary staff positions;

6 (2) To replenish goods;

7 (3) To produce public information materials;

8 (4) To provide financial assistance to public agencies and
9 private agencies in accordance with chapter 42F

10 involved in historic preservation activities other
11 than those covered by section 6E-9; [~~and~~]

12 (5) To cover administrative and operational costs of the
13 historic preservation program[~~-~~]; and

14 (6) To fund programs established by the state foundation
15 on culture and the arts that promote traditional
16 Hawaiian arts and cultural activities."

17 SECTION 4. Section 195F-3, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) The program shall assist in the forest stewardship of
20 public lands, including native Hawaiian cultural practices that
21 promote forest stewardship pursuant to section 195F-4, and in



1 developing education and training programs for sustainable
2 forestry pursuant to section 195F-4(a)(2)."

3 SECTION 5. Section 195F-4, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) There is established a special fund within the state
6 treasury known as the forest stewardship fund [~~which~~] that shall
7 be used as follows:

8 (1) Payments shall be made by the board pursuant to
9 agreements entered into with qualified landowners to
10 further the purposes of this chapter;

11 (2) Moneys collected from:

12 (A) The harvest of non-native forest products from
13 forest reserves;

14 (B) The harvest of native forest products from
15 degraded forests as defined in section 186-5.5,
16 within forest reserves;

17 (C) The sale of forest products found dead and lying
18 on the ground;

19 (D) The sale of tree seedlings from state nurseries;

20 (E) The sale of any other products or services, or
21 anything of value derived from forest reserves
22 not described above; or



1 (F) The imposition of fines or penalties for
2 violations of this chapter and chapters 183 and
3 185 or any rule adopted thereunder;
4 shall be used for: (i) replanting, managing, and
5 maintaining designated timber management areas; (ii)
6 enhancing the management of public forest reserves
7 with an emphasis on restoring degraded koa forests;
8 [~~and~~] (iii) developing environmental education and
9 training programs pertaining to sustainable forestry;
10 and (iv) supporting native Hawaiian programs
11 established in consultation with the state foundation
12 on culture and the arts that promote native Hawaiian
13 practices of forest stewardship; provided that the
14 activities described in clauses (ii) and (iii) may not
15 be funded unless the activities described in approved
16 management plans pertaining to clause (i) are
17 adequately funded; and
18 (3) Moneys deposited into the fund as authorized by
19 section 247-7 may also be used by the department to
20 administer the program and manage the forest reserve
21 system."



1 SECTION 6. Section 286-51, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) This part shall be administered by the director of
4 finance in conjunction with the requirements of sections 249-1
5 to 249-13 and shall entail no additional expense or charge to
6 the person registering the ownership of a motor vehicle other
7 than as provided by this section or by other laws; provided that
8 for each new certificate of ownership issued by the director of
9 finance under section 286-52, the director of finance may charge
10 a fee which shall be deposited in the general fund. The fees
11 charged to issue a new certificate of ownership shall be
12 established by the county's legislative body.

13 Notwithstanding any other law to the contrary, an
14 additional fee of not more than \$1 for each certificate of
15 registration for a U-drive motor vehicle and \$2 for each
16 certificate of registration for all other motor vehicles may be
17 established by ordinance and collected annually by the director
18 of finance of each county, to be used and administered by each
19 county:

20 (1) For the purpose of beautification and other related
21 activities of highways under the ownership, control,
22 and jurisdiction of each county; [and]



1 (2) To defray the additional cost in the disposition and
2 other related activities of abandoned or derelict
3 vehicles as prescribed in chapter 290. For the
4 purposes of this paragraph, other related activities
5 shall include but need not be limited to any and all
6 storage fees that are negotiated between each county
7 and a towing company contracted by the county to
8 remove and dispose of abandoned or derelict
9 vehicles[~~-~~]; and

10 (3) To fund programs established in consultation with the
11 state foundation on culture and the arts that promote
12 the incorporation of traditional Hawaiian arts and
13 cultural activities or design characteristics in
14 highway design or beautification projects.

15 The \$2 fee established pursuant to this subsection for
16 certificates of registration for motor vehicles other than U-
17 drive motor vehicles may be increased by ordinance up to a
18 maximum of \$10; provided that all amounts received from any fee
19 increase over \$2 shall be expended only for the purposes of
20 paragraph (2). The moneys so assessed and collected shall be
21 placed in a revolving fund entitled, "the highway beautification
22 and disposal of abandoned or derelict vehicles revolving fund".



1 SECTION 7. The state foundation on culture and the arts
2 shall report to the legislature no later than twenty days prior
3 to the convening of the 2012 legislative session, on the
4 recommendations and strategies for implementing partnerships
5 with public and private sector entities to promote and display
6 the works of art in its collection.

7 SECTION 8. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 9. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

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Report Title:

State Foundation on Culture and the Arts

Description:

Allows the state foundation on culture and the arts (SFCA) to sell its art inventory. Requires SFCA to collaborate with other public and private partnerships to promote traditional Hawaiian arts. Directs moneys from various revolving funds to support SFCA programs.

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