
A BILL FOR AN ACT

RELATING TO THE ARTS.

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

1 SECTION 1. Chapter 304A, Hawaii Revised Statutes, is
2 amended by adding a new section to subpart M of part IV to be
3 appropriately designated and to read as follows:

4 "§304A- Student art; works of art special fund.
5 Student art created with the use of funds acquired by the
6 department of art and art history through the works of art
7 special fund pursuant to section 103-8.5 shall be subject to
8 purchase by the comptroller and the state foundation on culture
9 and the arts for use in the art in public places and relocatable
10 works of art programs."

11 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
12 amended by adding a new section to subpart C of part II to be
13 appropriately designated and to read as follows:

14 "§302A- Student art; works of art special fund.
15 Student art created with the use of funds acquired by a public
16 high school through the works of art special fund pursuant to
17 section 103-8.5 shall be subject to purchase by the comptroller



1 and the state foundation on culture and the arts for use in the
2 art in public places and relocatable works of art programs."

3 SECTION 3. Section 9-21, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§9-21[+] Purpose. The foundation shall administer the
6 art in public places and relocatable works of art programs,
7 pursuant to section 103-8.5, and the state art museum to achieve
8 the following purposes:

9 (1) Replace in public state buildings the natural beauty
10 displaced in construction with works of art expressive
11 of the State's cultural, creative, and traditional
12 arts of its various ethnic groups;

13 (2) Support, promote, and recognize excellence of the
14 State's diverse cultural, creative, and traditional
15 artists[+], including high school and university
16 students; and

17 (3) Create, display, and maintain in public places and the
18 state art museum a collection of works of art that:

19 (A) Represents the diversity and excellence of the
20 State's artistic expression; and



1 (B) Provides to all the citizens of the State the
2 fullest possible access to the highest quality
3 aesthetic and educational experiences available."

4 SECTION 4. Section 103-8.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§103-8.5 Works of art special fund. (a) There is
7 created a works of art special fund, into which shall be
8 transferred one per cent of all state fund appropriations for
9 capital improvements designated for the construction cost
10 element; provided that this transfer shall apply only to capital
11 improvement appropriations that are designated for the
12 construction or renovation of state buildings. The one per cent
13 transfer requirement shall not apply to appropriations from the
14 passenger facility charge special fund established by section
15 261-5.5 and the rental motor vehicle customer facility charge
16 special fund established under section 261-5.6.

17 (b) The works of art special fund shall be used solely for
18 the following purposes:

19 (1) Costs related to the acquisition of works of art,
20 including the purchase of art from Hawaii public high
21 schools and the University of Hawaii department of art
22 and art history, and any consultant or staff services



1 required to carry out the art in public places and
2 relocatable works of art programs;

3 (2) Site modifications, display, and interpretive work
4 necessary for the exhibition of works of art;

5 (3) Upkeep services, including maintenance, repair, and
6 restoration of works of art;

7 (4) Storing and transporting works of art.

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

16 (d) The comptroller and the state foundation on culture
17 and the arts shall decide on the specific art objects to
18 acquire [~~, giving first consideration to placing appropriate~~
19 ~~pieces of art at the locations of the original appropriation.];~~
20 provided that a portion of the total moneys in the works of art
21 special fund shall be used for the acquisition of art from



1 Hawaii public high schools and the University of Hawaii
2 department of art and art history pursuant to subsection (e).

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

8 (e) One-third of the total moneys in the works of art
9 special fund shall be used for the acquisition of student art
10 from Hawaii public high schools. One-third of the total moneys
11 in the works of art special fund shall be used for the
12 acquisition of student art from the University of Hawaii
13 department of art and art history. Student art acquired
14 pursuant to this subsection shall be purchased from the art
15 department at the respective public high school or from the
16 University of Hawaii department of art and art history; provided
17 that no art shall be commissioned by or purchased directly from
18 a student; and provided further that no remuneration shall be
19 offered or paid to a student.

20 Expenditures from the works of art special fund shall be
21 made by the comptroller.

22 ~~(e)~~ (f) The comptroller shall:



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- 1 (1) Provide each agency receiving capital improvement
2 appropriations with information regarding items that
3 shall be included and excluded from the one per cent
4 amount;
- 5 (2) Ensure that each agency calculates its one per cent
6 amount correctly; and
- 7 (3) Ensure that each agency transfers the correct amount
8 to the works of art special fund in a timely manner.
- 9 [~~(f)~~] (g) The comptroller and the executive director shall
10 track amounts due from each agency under the one per cent
11 requirement as provided in this section."

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2011.

15

INTRODUCED BY:



JAN 21 2011



Report Title:

Works of Art Special Fund; Art in Public Places; Student Art

Description:

Supports student art programs by requiring 2/3 of the moneys from the works of art special fund be used to acquire art from public high schools and the University of Hawaii art department.

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