
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. Section 9-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is hereby created a state foundation on culture
4 and the arts, which shall be placed within the department of
5 ~~[accounting and general services]~~ business, economic
6 development, and tourism for administrative purposes."

7 SECTION 2. All rights, powers, functions, and duties of
8 the department of accounting and general services as they relate
9 to the state foundation on culture and the arts are transferred
10 to the department of business, economic development, and
11 tourism.

12 All officers and employees whose functions are transferred
13 by this Act shall be transferred with their functions and shall
14 continue to perform their regular duties upon their transfer,
15 subject to the state personnel laws and this Act.

16 No officer or employee of the State having tenure shall
17 suffer any loss of salary, seniority, prior service credit,
18 vacation, sick leave, or other employee benefit or privilege as



1 a consequence of this Act, and such officer or employee may be
2 transferred or appointed to a civil service position without the
3 necessity of examination; provided that:

4 (1) The officer or employee possesses the minimum
5 qualifications for the position to which transferred
6 or appointed; and

7 (2) Subsequent changes in status may be made pursuant to
8 applicable civil service and compensation laws.

9 An officer or employee of the State who does not have
10 tenure and who may be transferred or appointed to a civil
11 service position as a consequence of this Act shall become a
12 civil service employee without the loss of salary, seniority,
13 prior service credit, vacation, sick leave, or other employee
14 benefits or privileges and without the necessity of examination;
15 provided that such officer or employee possesses the minimum
16 qualifications for the position to which transferred or
17 appointed.

18 If an office or position held by an officer or employee
19 having tenure is abolished, the officer or employee shall not
20 thereby be separated from public employment, but shall remain in
21 the employment of the State with the same pay and classification
22 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel
2 laws of the State as determined by the head of the department or
3 the governor.

4 SECTION 3. All rules, policies, procedures, guidelines,
5 and other material adopted or developed by the department of
6 accounting and general services to implement provisions of the
7 Hawaii Revised Statutes which are reenacted or made applicable
8 to the department of business, economic development, and tourism
9 by this Act, shall remain in full force and effect until amended
10 or repealed by the department of business, economic development,
11 and tourism, pursuant to chapter 91, Hawaii Revised Statutes.
12 In the interim, every reference to the department of accounting
13 and general services or the comptroller of the department of
14 accounting and general services in those rules, policies,
15 procedures, guidelines, and other material is amended to refer
16 to the department of business, economic development, and tourism
17 or the director of the department of business, economic
18 development, and tourism as appropriate.

19 SECTION 4. All deeds, leases, contracts, loans,
20 agreements, permits, or other documents executed or entered into
21 by or on behalf of the department of accounting and general
22 services pursuant to the provisions of the Hawaii Revised



1 Statutes, which are reenacted or made applicable to the
2 department of business, economic development, and tourism by
3 this Act, shall remain in full force and effect. Effective July
4 1, 2012, every reference to the department of accounting and
5 general services or the comptroller of the department of
6 accounting and general services therein shall be construed as a
7 reference to the department of business, economic development,
8 and tourism or the director of the department of business,
9 economic development, and tourism as appropriate.

10 SECTION 5. All appropriations, records, equipment,
11 machines, files, supplies, contracts, books, papers, documents,
12 maps, and other personal property heretofore made, used,
13 acquired, or held by the department of accounting and general
14 services relating to the functions transferred to the department
15 of business, economic development, and tourism shall be
16 transferred with the functions to which they relate.

17 SECTION 6. It is the intent of this Act not to jeopardize
18 the receipt of any federal aid nor to impair the obligation of
19 the State or any agency thereof to the holders of any bond
20 issued by the State or by any such agency, and to the extent,
21 and only to the extent, necessary to effectuate this intent, the
22 governor may modify the strict provisions of this Act, but shall



1 promptly report any such modification with reasons therefor to
2 the legislature at its next session thereafter for review by the
3 legislature.

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

6 SECTION 8. This Act shall take effect on July 1, 2012.



Report Title:

State Foundation on Culture and the Arts

Description:

Transfers the State Foundation on Culture and the Arts within the Department of Business, Economic Development, and Tourism from the Department of Accounting and General Services. Effective July 1, 2012. (HB2435 HD1)

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