

JAN 20 2012

A BILL FOR AN ACT

RELATING TO THE ARTS.

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

1 SECTION 1. The purpose of this Act is to require that a
2 percentage of the revenue in the works of art special fund be
3 expended for performing arts.

4 SECTION 2. 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:



1 (1) Costs related to the acquisition or presentation of
2 works of art, including any consultant or staff
3 services required to carry out the art in public
4 places and relocatable works of art programs;

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

7 (3) Upkeep services, including maintenance, repair, and
8 restoration of works of art; and

9 (4) Storing and transporting works of art[-];

10 provided that fifty per cent of the works of art special fund
11 shall be used for the presentation of performing arts and their
12 related costs.

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

21 (d) The comptroller and the state foundation on culture
22 and the arts shall decide on the specific works of art [~~objects~~]



1 to acquire ~~[7]~~ or present, giving first consideration to placing
2 or presenting appropriate ~~[pieces]~~ works of art at the locations
3 of the original appropriation.

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

9 Expenditures from the works of art special fund shall be
10 made by the comptroller.

11 (e) The comptroller shall:

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

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

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

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



1 (g) For the purposes of this section, "performing arts"
 2 includes dance, drama, music, and other forms of artistic
 3 expression that are performed before an audience."

4 SECTION 3. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: _____

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S.B. NO. 2270

Report Title:

Works of Art Special Fund; Expenditures

Description:

Requires fifty per cent of the works of art special fund to be used for performing arts and their related costs.

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