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# 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 creative  
5 industries division of the department of [accounting and general  
6 services] business, economic development, and tourism for  
7 administrative purposes."

8           SECTION 2. Section 103-8.5, Hawaii Revised Statutes, is  
9 amended by amending subsections (d) to (f) to read as follows:

10           "(d) The [~~comptroller~~] director of business, economic  
11 development, and tourism and the state foundation on culture and  
12 the arts shall decide on the specific art objects to acquire,  
13 giving first consideration to placing appropriate pieces of art  
14 at the locations of the original appropriation.

15           The selection of, commissioning artists for, reviewing of  
16 design, execution, and placement of, and the acceptance of works  
17 of art shall be the responsibility of the [~~comptroller~~] director



1 of business, economic development, and tourism and the state  
2 foundation on culture and the arts in consultation with the  
3 affected agency or department.

4 Expenditures from the works of art special fund shall be  
5 made by the [~~comptroller~~] director of business, economic  
6 development, and tourism.

7 (e) The [~~comptroller~~] director of business, economic  
8 development, and tourism 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~~] director of business, economic  
18 development, and tourism and the executive director shall track  
19 amounts due from each agency under the one per cent requirement  
20 as provided in this section."



1 SECTION 3. All rights, powers, functions, and duties of  
2 the department of department of accounting and general services  
3 relating to the state foundation on culture and the arts are  
4 transferred to the department of business, economic development,  
5 and tourism.

6 All employees who occupy civil service positions and whose  
7 functions are transferred to the department of business,  
8 economic development, and tourism by this Act shall retain their  
9 civil service status, whether permanent or temporary. Employees  
10 shall be transferred without loss of salary, seniority (except  
11 as prescribed by applicable collective bargaining agreements),  
12 retention points, prior service credit, any vacation and sick  
13 leave credits previously earned, and other rights, benefits, and  
14 privileges, in accordance with state personnel laws and this  
15 Act; provided that the employees possess the minimum  
16 qualifications and public employment requirements for the class  
17 or position to which transferred or appointed, as applicable;  
18 provided further that subsequent changes in status may be made  
19 pursuant to applicable civil service and compensation laws.

20 Any employee who, prior to this Act, is exempt from civil  
21 service and is transferred as a consequence of this Act may



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1 retain the employee's exempt status, but shall not be appointed  
 2 to a civil service position as a consequence of this Act. An  
 3 exempt employee who is transferred by this Act shall not suffer  
 4 any loss of prior service credit, vacation or sick leave credits  
 5 previously earned, or other employee benefits or privileges as a  
 6 consequence of this Act; provided that the employees possess  
 7 legal and public employment requirements for the position to  
 8 which transferred or appointed, as applicable; provided further  
 9 that subsequent changes in status may be made pursuant to  
 10 applicable employment and compensation laws. The director of  
 11 business, economic development, and tourism may prescribe the  
 12 duties and qualifications of these employees and fix their  
 13 salaries without regard to chapter 76, Hawaii Revised Statutes.

14 SECTION 4. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2016.  
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**Report Title:**

State Foundation on Culture and the Arts; Transfer; Department of Business, Economic Development, and Tourism

**Description:**

Places the state foundation on culture and the arts within the creative industries division of the department of business, economic development, and tourism instead of the department of accounting and general services. Designates the director of business, economic development, and tourism, instead of the comptroller, in selecting works of art for acquisition.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

