
A BILL FOR AN ACT

RELATING TO DEPARTMENT OF EDUCATION FUNDING.

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

1 SECTION 1. The legislature finds that Hawaii was the first
2 state in the nation to set aside dedicated funds every year for
3 the acquisition and display of art in public places. The art in
4 public places program supports local artists and helps preserve
5 culturally vital pieces of art.

6 Currently one per cent of all capital improvement projects
7 for state buildings are earmarked for works of art. The average
8 annual appropriations for the Works of Art Special Fund is about
9 \$5.5 million. Although preserving art serves an important role,
10 many pieces of art purchased through the special fund sit idle
11 in storage while local classrooms are left underfunded. Some of
12 this money should be repurposed to teaching and inspiring the
13 next generation of artists.

14 Art education in primary and secondary schools helps
15 students become more well-rounded. A study from researchers at
16 the University of Arkansas and Rice University found that
17 students who receive art education in high school develop better



1 critical thinking skills, and art education can lead to other
2 positive effects on empathy and an overall desire to engage in
3 cultural opportunities. Art programs are often underfunded, are
4 frequently the first to be cut from school budgets, and existing
5 programs rarely give students adequate opportunities. Diverting
6 funding from the art in public places special fund to student
7 art programs will lead to long term benefits for Hawaii's next
8 generation.

9 The purpose of this Act is to dedicate one-half of one
10 percent of all state fund appropriations for capital
11 improvements designated for the construction or renovation of
12 state buildings to student art programs within the Department of
13 Education.

14 SECTION 2. Section 103-8.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§103-8.5 Works of art special fund. (a) There is
17 created a works of art special fund, into which shall be
18 transferred one-half of one per cent of all state fund
19 appropriations for capital improvements designated for the
20 construction cost element; provided that this transfer shall
21 apply only to capital improvement appropriations that are



1 designated for the construction or renovation of state
2 buildings. The one-half of one per cent transfer requirement
3 shall not apply to appropriations from the passenger facility
4 charge special fund established by section 261-5.5 and the
5 rental motor vehicle customer facility charge special fund
6 established under section 261-5.6.

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

9 (1) Costs related to the acquisition of works of art,
10 including any consultant or staff services required to
11 carry out the art in public places and relocatable
12 works of art programs;

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

15 (3) Upkeep services, including maintenance, repair, and
16 restoration of works of art;

17 (4) Storing and transporting works of art.

18 (c) The one-half of one per cent amount, which is included
19 in all capital improvement appropriations, shall be calculated
20 at the time the appropriation bills are signed into law. The
21 moneys shall be transferred into the works of art special fund



1 upon availability of moneys from the appropriations. Each
2 agency receiving capital improvement appropriations shall
3 calculate the one-half of one per cent amount and transfer the
4 moneys into the works of art special fund.

5 (d) The comptroller and the state foundation on culture
6 and the arts shall decide on the specific art objects to
7 acquire, giving first consideration to placing appropriate
8 pieces of art at the locations of the original appropriation.

9 The selection of, commissioning artists for, reviewing of
10 design, execution, and placement of, and the acceptance of works
11 of art shall be the responsibility of the comptroller and the
12 state foundation on culture and the arts in consultation with
13 the affected agency or department.

14 Expenditures from the works of art special fund shall be
15 made by the comptroller.

16 (e) The comptroller shall:

17 (1) Provide each agency receiving capital improvement
18 appropriations with information regarding items that
19 shall be included and excluded from the one-half of
20 one per cent amount;



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1 (2) Ensure that each agency calculates its one-half of one
2 per cent amount correctly; and

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

5 (f) The comptroller and the executive director shall track
6 amounts due from each agency under the one-half of one per cent
7 requirement as provided in this section."

8 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§302A- Student art programs special fund. (a) There is
12 created a student art programs special fund, into which shall be
13 transferred one-half of one percent of all state fund
14 appropriations for capital improvements designated for the
15 construction cost element; provided that this transfer shall
16 apply only to capital improvement appropriations that are
17 designated for the construction cost or renovation of state
18 buildings. The one-half of one per cent requirement shall not
19 apply to appropriations from the passenger facility charge
20 special fund established by section 261-5.5 and the rental motor



1 vehicle customer facility charge special fund established under
2 section 261-5.6.

3 (b) The student art programs special fund shall be used
4 solely for costs related to student art programs within
5 department of education schools.

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

15 (d) The comptroller and the department of education shall
16 disburse monies to schools, giving priority to schools with the
17 highest Title I eligibility as defined in the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as
19 amended.

20 Expenditures from the student art programs special fund
21 shall be made by the comptroller.



- 1 (e) The comptroller shall:
- 2 (1) Provide each agency receiving capital improvement
- 3 appropriations with information regarding items that
- 4 shall be included and excluded from the one-half of
- 5 one per cent amount;
- 6 (2) Ensure that each agency calculates its one-half of one
- 7 per cent amount correctly; and
- 8 (3) Ensure that each agency transfers the correct amount
- 9 to the student art programs special fund in a timely
- 10 manner.

11 (f) The comptroller and the superintendent of education
12 shall track amounts due from each agency under the one-half of
13 one per cent requirement as provided in this section.

14 (g) As used in this section, "student art programs" means
15 curriculum, classes, or extracurricular activities including,
16 but not limited to architecture, carpentry, ceramics, drawing,
17 electronic art, film, painting, dance, theatre, photography,
18 printmaking, sculpture, band, orchestra, or textiles."

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

[Handwritten Signature]

J. Matthews

RE MR. [unclear]

Genthi Yvelaw

Vol. [unclear]

JAN 18 2019



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Report Title:

Works of Art Special Fund; Department of Education

Description:

Dedicates one-half of one per cent of all state fund appropriations for capital improvements designated for the construction or renovation of state buildings to student art programs within the Department of Education.

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