
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. The legislature finds that the mission of the
2 state foundation on culture and the arts is to promote,
3 perpetuate, preserve, and encourage culture and the arts as
4 central to the quality of life and people of Hawaii. The
5 foundation's strategic priorities include increasing public
6 accessibility to arts and culture.

7 The foundation administers the state art museum and the art
8 in public places and relocatable works of art programs, using
9 the works of art special fund created pursuant to
10 section 103-8.5, Hawaii Revised Statutes. The museum and these
11 programs aim to support, promote, and recognize the excellence
12 of the State's diverse artists and create, display, and maintain
13 in public places and the state art museum, a collection of works
14 of art that represent the diversity and excellence of the
15 State's artistic expression and provide the fullest possible
16 access to the highest quality aesthetic and educational
17 experiences available to all the citizens of the State.



1 The purpose of this Act is to further the foundation's
2 endeavors by allowing the works of art special fund to be used
3 for the support and promotion of performing arts in the State.

4 SECTION 2. Section 9-1, Hawaii Revised Statutes, is
5 amended by adding two new definitions to be appropriately
6 inserted and to read as follows:

7 "Performance of art" means to recite, render, play, dance,
8 or act it, either directly or by means of any device or process
9 or, in the case of a motion picture or other audiovisual work,
10 to show its images in any sequence or to make the sounds
11 accompanying it audible.

12 "Performing arts" are arts or skills that are intended to
13 be performed for an audience. "Performing arts" includes but is
14 not limited to dance, choreography, singing, lyrics, motion
15 pictures, music, theater pantomime, screenplays, sound
16 recordings, and similar types of works."

17 SECTION 3. Chapter 9, part III, Hawaii Revised Statutes,
18 is amended as follows:

19 1. By amending its title to read:

20 "**[+]PART III.[+] ART IN PUBLIC PLACES AND RELOCATABLE**
21 **WORKS OF [+]ART[+] PROGRAMS AND STATE ART MUSEUM"**



1 2. By adding a new section to be appropriately designated
2 and to read:

3 "§9- Definitions. As used in this part:

4 "Display" includes the act of posting for public view and
5 listening, a recording of a work of art at presentation sites
6 maintained by the foundation or the state art museum.

7 "Works of art" includes works of performing arts; provided
8 that:

9 (1) The performance shall be recorded as an audio file,
10 video file, audiovisual file, or other medium intended
11 to be shown by or through the use of machines or
12 devices such as projectors, viewers, or electronic
13 equipment or device, together with accompanying
14 sounds, if any;

15 (2) The recording of the performance shall be archived and
16 maintained by the foundation or the state art museum
17 as property of the State;

18 (3) The State shall have whole and exclusive copyrights in
19 the performance and its recordings pursuant to the
20 works made for hire doctrine under Title 17, United
21 States Code; and



1 (4) The recording of the performance shall be displayed
2 for viewing and listening at presentation sites, in a
3 format determined by the comptroller and the
4 foundation to be most easily accessible to the
5 public."

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

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

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



- 1 (1) Costs related to the acquisition of works of art,
2 including any consultant or staff services required to
3 carry out the art in public places and relocatable
4 works of art programs;
- 5 (2) Site modifications, public display, and interpretive
6 work necessary for the exhibition, performance, and
7 recording of works of art;
- 8 (3) Upkeep services, including maintenance, repair, and
9 restoration of works of art[+] and works of performing
10 arts; and
- 11 (4) Storing and transporting works of art.
- 12 (c) The one per cent amount, which is included in all
13 capital improvement appropriations, shall be calculated at the
14 time the appropriation bills are signed into law. The moneys
15 shall be transferred into the works of art special fund upon
16 availability of moneys from the appropriations. Each agency
17 receiving capital improvement appropriations shall calculate the
18 one per cent amount and transfer the moneys into the works of
19 art special fund.
- 20 (d) The comptroller and the state foundation on culture
21 and the arts shall decide on the specific works of art [~~objects~~]



1 to acquire, giving first consideration to placing appropriate
2 pieces of art at the locations of the original appropriation[-],
3 when applicable.

4 The comptroller and the state foundation on culture and the
5 arts, in consultation with the affected agency or department,
6 shall be responsible for the selection of[-]; commissioning of
7 artists for[-]; reviewing of the design, content, execution,
8 performance, recording and placement of[-]; and [the] acceptance
9 of the works of art [shall be the responsibility of the
10 comptroller and the state foundation on culture and the arts in
11 consultation with the affected agency or department].

12 Expenditures from the works of art special fund shall be
13 made by the comptroller.

14 (e) The comptroller shall:

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

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



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

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

6 (g) For the purposes of this section:

7 "Performance of art" has the same meaning as defined in
8 section 9-1.

9 "Public display" and "works of art" has the same meaning as
10 defined in section 9- ."

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

13 SECTION 6. This Act shall take effect on July 1, 2065.



Report Title:

State Foundation on Culture and the Arts; Culture and Arts;
Performing Arts

Description:

Allows the works of art special fund to be used for performing arts, under certain conditions. Includes posting of a recording of performing art as a form of public display. Defines performing arts. Effective 7/1/2065. (HD1)

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