
HOUSE RESOLUTION

REQUESTING THE COMPTROLLER, IN CONSULTATION WITH OTHER STATE OFFICIALS, TO SUBMIT A REPORT ON THE PROCESS AND PROCEDURES FOR THE TRANSFER OF FUNDS TO THE WORKS OF ART SPECIAL FUND.

1 WHEREAS, the Legislature enacted Act 298, Session Laws of
2 Hawaii 1967, which required all appropriations for the original
3 construction of any state building to include, as a
4 nondeductible item, an amount of one percent of the
5 appropriation for the acquisition of works of art, which may be
6 an integral part of the structure, attached to the structure,
7 detached within or outside of the structure, or can be exhibited
8 in other public facilities; and
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10 WHEREAS, Act 389, Session Laws of Hawaii 1989 (Act 389),
11 established the Works of Art Special Fund, codified as section
12 103-8.5, Hawaii Revised Statutes, into which one percent of all
13 state fund appropriations for capital improvements designated
14 for the construction cost element is deposited; and
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16 WHEREAS, Act 389 also expanded the one percent assessment
17 to capital improvement appropriations that are designated for
18 the renovation of state buildings; and
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20 WHEREAS, pursuant to section 103-8.5(c), Hawaii Revised
21 Statutes:
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23 (1) The one percent amount, which is included in all
24 capital improvement appropriations, is required to be
25 calculated at the time the appropriation bills are
26 signed into law;
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28 (2) The moneys are to be transferred into the Works of Art
29 Special Fund upon availability of funds from the
30 appropriations; and
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1 (3) Each agency receiving capital improvement
 2 appropriations is required to calculate the one
 3 percent amount and transfer the funds into the Works
 4 of Art Special Fund; and
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6 WHEREAS, according to section 103-8.5(e), Hawaii Revised
 7 Statutes, the Comptroller shall:
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9 (1) Provide each agency receiving capital improvement
 10 appropriations with information regarding items that
 11 shall be included and excluded from the one percent
 12 amount;
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14 (2) Ensure that each agency calculates its one percent
 15 amount correctly; and
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17 (3) Ensure that each agency transfers the correct amount
 18 to the Works of Art Special Fund in a timely manner;
 19 now, therefore,
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21 BE IT RESOLVED by the House of Representatives of the
 22 Thirty-second Legislature of the State of Hawaii, Regular
 23 Session of 2023, that the Comptroller, in consultation with the
 24 Director of Finance, Attorney General and Interim Executive
 25 Director of the State Foundation on Culture and the Arts, is
 26 requested to submit a report to the Legislature on the process
 27 and procedures for the transfer of funds to the Works of Art
 28 Special Fund; and
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30 BE IT FURTHER RESOLVED that the report include:
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32 (1) An analysis on the appropriate cost elements to be
 33 included in the transfers;
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35 (2) A determination of whether transfers are being made
 36 more than once for the same project when
 37 appropriations are lapsed and reauthorized;
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39 (3) An identification of qualifying construction and
 40 renovation projects that have not calculated and
 41 transferred the correct amount to the Works of Art
 42 Special Fund; and



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(4) A description of a process established within the Department of Budget and Finance for the Comptroller to ensure the correct calculations and transfers occur pursuant to section 103-8.5, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that the report be submitted to the Legislature by November 1, 2023; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Comptroller and Director of Finance.

