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# A BILL FOR AN ACT

RELATING TO THE HAWAII SYMPHONY ORCHESTRA.

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

1           SECTION 1. The legislature finds that the Hawaii Symphony  
2 Orchestra provides a major public service to the State and makes  
3 major musical contributions to the artistic and cultural  
4 education of the community through its performances.

5           The legislature further finds that the Hawaii Symphony  
6 Orchestra was founded in 1900 as the Honolulu Symphony Orchestra  
7 to establish and operate a professional symphony orchestra in  
8 Hawaii. The symphony hosts shows and programs featuring  
9 musicians and performing artists from around the world, in  
10 addition to promoting local talent within Hawaii.

11           The legislature notes that Act 382, Session Laws of Hawaii  
12 1987 (Act 382), established the Honolulu Symphony Endowment Fund  
13 to provide financial support to the Honolulu Symphony. The  
14 legislative history of Act 382 stated that the Honolulu Symphony  
15 is a major cultural resource of Hawaii and is deserving of the  
16 support provided by Act 382; and in Act 258, Session Laws of  
17 Hawaii 1988, the name of the Honolulu Symphony Endowment Fund



1 was changed to the State of Hawaii Endowment Fund.  
2 Subsequently, Act 175, Session Laws of Hawaii 1995, clarified  
3 that the income and capital gains of the State of Hawaii  
4 Endowment Fund were to be used for the production of music by an  
5 Oahu-based symphony orchestra and stated that it was to support  
6 a live symphonic orchestra for the residents in Hawaii.

7 The legislature further finds that the Hawaii Symphony  
8 Orchestra has suffered through financial instability throughout  
9 the last twenty years, including filing for bankruptcy and  
10 liquidating its assets for auction. In 2009, a small group of  
11 supporters, donors, and musicians revived the orchestra as it is  
12 known today, the Hawaii Symphony Orchestra, with the mission to  
13 reach out to the community through music. The legislature  
14 further notes that the Orchestra heavily relies on donations,  
15 concert ticket sales, and some state funding to fund its  
16 operations.

17 The legislature recognizes that the State has a certain  
18 responsibility to the Hawaii Symphony Orchestra Band for the  
19 public services it provides. The legislature notes that  
20 designating the Hawaii Symphony Orchestra as the "State of  
21 Hawaii Symphony Orchestra" will enable the Hawaii Symphony



1 Orchestra to regularly obtain state funds to help cover its  
2 general operating costs in exchange for other services to the  
3 State, to be mutually negotiated.

4       The legislature finds that the Hawaii Symphony Orchestra  
5 has served and continues to serve a public purpose through free  
6 performances at parks and outdoor community centers, education  
7 concerts, showcasing young musicians, and performing side-by-  
8 side with the Hawaii Youth Symphony, as well as providing free  
9 admission for public school faculty, staff, and students to  
10 attend shows through department of education programs. These  
11 community program initiatives exemplify the Hawaii Symphony  
12 Orchestra's service and dedication to the public. The  
13 legislature concludes that exempting appropriations of state  
14 general revenues to the Hawaii Symphony Orchestra from the  
15 requirements of chapter 42F, Hawaii Revised Statutes, complies  
16 with the public purpose requirement of article VII, section 4,  
17 of the Hawaii State Constitution.

18       Accordingly, the purpose of this Act is to:

19       (1) Designate the Hawaii Symphony Orchestra as the "State  
20       of Hawaii Symphony Orchestra";



1 (2) Exempt state funds received by the State of Hawaii  
2 Symphony Orchestra from the requirements of chapter  
3 42F, Hawaii Revised Statutes; and

4 (3) Appropriate funds for general operating costs of the  
5 State of Hawaii Symphony Orchestra and for deposit  
6 into the State of Hawaii Endowment Fund.

7 SECTION 2. Chapter 9, Hawaii Revised Statutes, is amended  
8 by adding a new section to be appropriately designated and to  
9 read as follows:

10 **"§9- Hawaii Symphony Orchestra; designation; funding.**

11 (a) The Hawaii Symphony Orchestra shall be designated the State  
12 of Hawaii Symphony Orchestra.

13 (b) The qualifying standards and conditions related to the  
14 receipt of funds contained in chapter 42F shall not apply to  
15 funds received by the State of Hawaii Symphony Orchestra;  
16 provided that if the State of Hawaii Symphony Orchestra, in  
17 turn, contracts with a recipient or provider, then the  
18 qualifying standards, conditions, and other provisions of  
19 chapter 42F shall apply to the recipient or provider and the  
20 contract.



1       (c) The designation of the Hawaii Symphony Orchestra as  
2 the State of Hawaii Symphony Orchestra shall not impinge on the  
3 autonomy of the Hawaii Symphony Orchestra, nor imply state  
4 control over its programs or policies, except as specifically  
5 provided in this section.

6       (d) The comptroller and the legislative auditor shall have  
7 the authority to examine the use of state funds and shall report  
8 any findings to the legislature.

9       (e) The president and chief executive officer of the  
10 Hawaii Symphony Orchestra shall provide an annual report to the  
11 legislature no later than twenty days prior to the convening of  
12 each regular session. The report shall include, at minimum, an  
13 explanation of the operations, maintenance, and other functions  
14 accomplished by state fund expenditures in the previous fiscal  
15 year."

16       SECTION 3. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$                    or so  
18 much thereof as may be necessary for fiscal year 2025-2026 and  
19 the same sum or so much thereof as may be necessary for fiscal  
20 year 2026-2027 for the general operating costs of the State of  
21 Hawaii Symphony Orchestra, including:



- 1 (1) Operations and maintenance of the organization; and
- 2 (2) Advice, consultations, and public statewide services
- 3 for free, including:
  - 4 (A) Admission for public school faculty, staff, and
  - 5 students to attend shows through department of
  - 6 education or public charter programs;
  - 7 (B) Setting standards in the symphony's educational
  - 8 programming and public activities and
  - 9 performances; and
  - 10 (C) Additional support to increase access on the
  - 11 neighbor islands to music and educational
  - 12 opportunities.

13 The sums appropriated shall be expended by the state  
14 foundation on culture and the arts for the purposes of this Act.

15 SECTION 4. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2025-2026 for  
18 deposit into the State of Hawaii Endowment Fund.

19 The sum appropriated shall be expended by the department of  
20 accounting and general services for the purposes of this Act.

21 SECTION 5. New statutory material is underscored.



**1** SECTION 6. This Act shall take effect on July 1, 3000.



S.B. NO. 441  
S.D. 1  
H.D. 1

**Report Title:**

Hawaii Symphony Orchestra; State Foundation on Culture and the Arts; Designation; Funding; Chapter 42F Exemption; General Fund; State of Hawaii Endowment Fund; Appropriation

**Description:**

Designates the Hawaii Symphony Orchestra as the State of Hawaii Symphony Orchestra. Exempts general fund appropriations to the State of Hawaii Symphony Orchestra from the requirements of chapter 42F, Hawaii Revised Statutes. Requires annual reports to the Legislature. Appropriates funds for general operating costs of the Orchestra and for deposit into the State of Hawaii Endowment Fund. Effective 7/1/3000. (HD1)

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

