
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 significant public service to the State and
3 makes significant musical contributions to the artistic and
4 cultural education of the community through its performances.

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

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 was a major cultural resource of the State and was deserving of
16 the support provided by Act 382. 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.

6 The legislature further finds that the Hawaii Symphony
7 Orchestra has suffered through financial instability throughout
8 the last twenty years, including filing for bankruptcy and
9 liquidating its assets for auction. In 2011, a small group of
10 supporters, donors, and musicians revived the orchestra as it is
11 known today, the Hawaii Symphony Orchestra, with the mission to
12 reach out to the community through music. The legislature
13 further notes that the Orchestra heavily relies on donations,
14 concert ticket sales, and some state funding to fund its
15 operations.

16 The legislature recognizes that the State has a certain
17 responsibility to the Hawaii Symphony Orchestra for the public
18 services it provides. The legislature notes that designating
19 the Hawaii Symphony Orchestra as the "State of Hawaii Symphony
20 Orchestra" will enable the Hawaii Symphony Orchestra to
21 regularly obtain state funds to help cover its general operating



1 costs in exchange for other services to the State, to be
2 mutually negotiated.

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

17 Accordingly, the purpose of this Act is to designate the
18 Hawaii Symphony Orchestra as the "State of Hawaii Symphony
19 Orchestra" and exempt state funds it receives from chapter 42F,
20 Hawaii Revised Statutes.



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

4 **"§9- Hawaii Symphony Orchestra; designation; funding.**

5 (a) The Hawaii Symphony Orchestra shall be designated the State
6 of Hawaii Symphony Orchestra.

7 (b) The qualifying standards and conditions related to the
8 receipt of funds contained in chapter 42F shall not apply to
9 funds received by the State of Hawaii Symphony Orchestra;
10 provided that if the State of Hawaii Symphony Orchestra, in
11 turn, contracts with a recipient or provider, then the
12 qualifying standards, conditions, and other provisions of
13 chapter 42F shall apply to the recipient or provider and the
14 contract.

15 (c) The designation of the Hawaii Symphony Orchestra as
16 the State of Hawaii Symphony Orchestra shall not impinge on the
17 autonomy of the Hawaii Symphony Orchestra, nor imply state
18 control over its programs or policies, except as specifically
19 provided in this section.



1 (d) The comptroller and legislative auditor may examine
2 the use of any state funds appropriated pursuant to this section
3 and shall report any findings to the legislature.

4 (e) The president and chief executive officer of the State
5 of Hawaii Symphony Orchestra shall provide a report to the
6 legislature no later than twenty days prior to the convening of
7 each regular session. At a minimum, the annual report shall
8 include an explanation of the operations, maintenance, and other
9 functions accomplished using state fund expenditures in the
10 previous fiscal year."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.



Report Title:

State of Hawaii Symphony Orchestra; State Foundation on Culture and the Arts; Designation; Funding; Reports

Description:

Designates the Hawaii Symphony Orchestra as the State of Hawaii Symphony Orchestra. Requires annual reports to the Legislature. Exempts state funds received by the State of Hawaii Symphony Orchestra from chapter 42F, Hawaii Revised Statutes. (SD1)

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