
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)

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