

ACT 112

H.B. NO. 84

A Bill for an Act Relating to Art in State Buildings and Structures.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 9-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 9-3 Duties.** The foundation shall:

- (1) Assist in coordinating the plans, programs, and activities of individuals, associations, corporations, and agencies concerned with the preservation and furtherance of culture and the arts;
- (2) Appraise the availability, adequacy, and accessibility of culture and the arts to all persons throughout the State and devise programs whereby culture and the arts can be brought to those who would otherwise not have the opportunity to participate;
- (3) Stimulate, guide, and promote culture and the arts, throughout the State;

- (4) Devise and recommend legislative and administrative action for the preservation and furtherance of culture and the arts;
- (5) Study the availability of private and governmental grants for the promotion and furtherance of culture and the arts;
- (6) Through its chairman administer funds allocated to the foundation; accept, disburse, and allocate funds which may become available from other governmental and private sources; provided that all such funds shall be disbursed or allocated in compliance with any specific designation stated by the donor and in the absence of such designation, such funds shall be disbursed or allocated for the promotion and furtherance of culture and the arts;
- (7) Select and employ a director to serve on a part-time or full-time basis who shall be a person who by reason of education or extensive experience is generally recognized as being professionally qualified in the fields of culture and the arts and who shall be exempt from the provisions of chapters 76 and 77 and select necessary additional staff subject to chapters 76 and 77, within available appropriations;
- (8) Submit an annual report with recommendations to the governor and legislature, prior to February 1, of each year; provided that the second annual report thereof shall include recommendations as to the responsibility and role which the State should assume in the long-run with respect to preservation and furtherance of culture and the arts in Hawaii and as to organization and administrative arrangements which should be provided for in law and otherwise; and
- (9) Display student art works in public buildings, sponsor student art displays, and in other ways encourage the development of creative talent among the young people of Hawaii."

SECTION 2. Chapter 9, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**"Sec. 9- Student art work.** The foundation, in consultation with the department of education, the University of Hawaii, private schools, and community art groups, shall establish a program for the recognition and display of student art work. Student art work shall mean any work of art made by any student attending any elementary, intermediate, high school, college, or university in the State.

Recognition shall be through the sponsoring of student art exhibits and the granting of scholarships, monetary awards, or certificates to the student whose art work is being recognized. Any funds appropriated to the foundation may be used for the recognition of student art work. Student art work recognized under this section may be acquired for the purpose of temporary or permanent display in state buildings and public facilities pursuant to section 103-18.

**Sec. 9- Rules.** The foundation shall adopt rules in consultation with the comptroller for the purposes of administering this chapter. Such rules shall be adopted in accordance with Chapter 91."

SECTION 3. Section 103-8, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 103-8 Art in state buildings.** All appropriations for the original construction of any state building shall include, as a nondeductible item, an amount of one per cent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other public facilities. If the amount shall not be required in toto or in part for any project, the unrequired amounts may be accumulated and expended for other projects or may be used to defray costs of transportation and upkeep of works of art for exhibition in public facilities.

The comptroller shall, in consultation with the state foundation on culture and the arts, determine the amount to be made available for the purchase of works of art for each project, and payments therefor shall be made, after acceptance, in accordance with law.

The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art including student art work pursuant to section 9- shall be the responsibility of the comptroller and the state foundation on culture and the arts."

SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. Statutory material to be revealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 6. This Act shall take effect upon its approval.

(Approved May 31, 1977.)

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\*Edited accordingly.