

ACT 133

H.B. NO. 1147

A Bill for an Act Relating to Culture and the Arts.

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

SECTION 1. Chapter 9, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§9- Qualifying standards for individual artist fellowships. Any individual applying for a fellowship shall meet all of the following standards:

- (1) The individual has proof of United States citizenship or permanent United States resident alien status and is a resident of the State of Hawaii at the time of application;
- (2) The individual is a recognized professional artist who:
 - (A) Engages in a particular art form or discipline as a result of education, experience, or natural talent; and
 - (B) Is financially compensated for engaging in the art form or discipline as part of the individual’s livelihood; and
- (3) The individual is able to provide documentation of having engaged in artistic endeavors for at least five years prior to the time of application.

§9- Requirement for artists receiving an individual artist fellowship. Each artist who, after meeting the qualifications set out in section 9- , receives an individual artist fellowship from the foundation, is required to hold an exhibition or give a performance for the benefit of the people of Hawaii.”

SECTION 2. Section 9-3, Hawaii Revised Statutes, is amended to read as follows:

“§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 and history and the humanities;
- (2) [To establish] Establish written standards and criteria by which grant contracts shall be evaluated;
- (3) Appraise the availability, adequacy, and accessibility of culture and the arts and history and the humanities to all persons throughout the State and devise programs whereby culture and the arts and history and the humanities can be brought to those who would otherwise not have the opportunity to participate;
- (4) Stimulate, guide, and promote culture and the arts and history and the humanities throughout the State;
- (5) Devise and recommend legislative and administrative action for the preservation and furtherance of culture and the arts and history and the humanities;
- (6) Study the availability of private and governmental grants for the promotion and furtherance of culture and the arts and history and the humanities;
- (7) Through its chairperson:
 - (A) Administer funds allocated by grant, gift, or bequest to the foundation; accept, hold, disburse, and allocate funds which may become available from other governmental and private sources; provided that all those funds shall be disbursed or allocated in compliance with any specific designation stated by the donor and in the absence of any designation, the funds shall be disbursed or allocated for the promotion and furtherance of culture and the arts and history and the humanities; and
 - (B) Accept, hold, disburse, and allocate public funds that are made available to the foundation by the legislature for disbursement or allocation, pursuant to the standards and procedures established in part II, for the promotion and furtherance of culture and the arts and history and the humanities;
- (8) 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 administration of programs in the fields of culture and the arts and history and the humanities, who is familiar with the peoples and cultures of Hawaii, and who shall be exempt from chapters 76 and 77 and select necessary additional staff subject to chapters 76 and 77, within available appropriations;
- (9) Submit an annual report with recommendations to the governor and legislature, prior to February 1, of each year. Annual reports shall include the total number and amount of gifts received, payroll

disbursements, contracts entered into, and progress and accomplishments made during the year;

- (10) 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;
- (11) In cooperation with qualified organizations conduct research, studies, and investigations in the fields of ethnohistory and the humanities; make, publish, and distribute works documenting the contributions of individual ethnic groups in their relationship to one another and to the whole population of Hawaii; place ethnohistorical and cultural materials developed by the foundation or received by the foundation as gifts and donations in public archives, libraries, and other suitable institutions accessible to the public; and maintain a register of the location of such materials; [and]
- (12) Cooperate with and assist the department of land and natural resources and other state agencies in developing and implementing programs relating to historic preservation, research, restoration, and presentation, as well as museum activities[.]; and
- (13) Establish an individual artist fellowship program to encourage artists to remain and work in Hawaii and to reaffirm the importance of Hawaii's artists and their cultural and economic contributions to the State by:
 - (A) Recognizing and honoring Hawaii's exceptionally talented visual and performing artists for their outstanding work and commitment in the arts; and
 - (B) Enabling these artists to further their artistic goals."

SECTION 3. 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 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved May 21, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.