H.B. NO. 800

Report Title:
State Foundation on Culture and the Arts; Transfer; Department of Business, Economic Development, and Tourism

Description:
Places the state foundation on culture and the arts within the department of business, economic development, and tourism creative industries division instead of the department of accounting and general services. Designates the director of business, economic development, and tourism, instead of the comptroller, in selecting works of art for acquisition.

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HOUSE OF REPRESENTATIVES
TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

H.B. NO. 800

A BILL FOR AN ACT

RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS.

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

SECTION 1. Section 9-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is hereby created a state foundation on culture and the arts, which shall be placed within the department of [~~accounting and general services~~] business, economic development, and tourism creative industries division for administrative purposes."

SECTION 2. Section 103-8.5, Hawaii Revised Statutes, is amended by amending subsections (d) to (f) to read as follows:

"(d) The [~~comptroller~~] director of business, economic development, and tourism and the state foundation on culture and the arts shall decide on the specific art objects to acquire, giving first consideration to placing appropriate pieces of art at the locations of the original appropriation.

The selection of, commissioning artists for, reviewing of design, execution, and placement of, and the acceptance of works of art shall be the responsibility of the [~~comptroller~~] director

of business, economic development, and tourism and the state foundation on culture and the arts in consultation with the affected agency or department.

Expenditures from the works of art special fund shall be made by the [~~comptroller.~~] director of business, economic development, and tourism.

(e) The [~~comptroller~~] director of business, economic development, and tourism shall:

(1) Provide each agency receiving capital improvement appropriations with information regarding items that shall be included and excluded from the one per cent amount;

(2) Ensure that each agency calculates its one per cent amount correctly; and

(3) Ensure that each agency transfers the correct amount to the works of art special fund in a timely manner.

(f) The [~~comptroller~~] director of business, economic development, and tourism and the executive director shall track amounts due from each agency under the one per cent requirement as provided in this section."

1 SECTION 3. All rights, powers, functions, and duties of
2 the department of accounting and general services relating to
3 the state foundation on culture and the arts are transferred to
4 the department of business, economic development, and tourism.
5 All employees who occupy civil service positions and whose
6 functions are transferred to the department of business,
7 economic development, and tourism by this Act shall retain their
8 civil service status, whether permanent or temporary. Employees
9 shall be transferred without loss of salary, seniority (except
10 as prescribed by applicable collective bargaining agreements),
11 retention points, prior service credit, any vacation and sick
12 leave credits previously earned, and other rights, benefits, and
13 privileges, in accordance with state personnel laws and this
14 Act; provided that the employees possess the minimum
15 qualifications and public employment requirements for the class
16 or position to which transferred or appointed, as applicable;
17 provided further that subsequent changes in status may be made
18 pursuant to applicable civil service and compensation laws.
19 Any employee who, prior to this Act, is exempt from civil
20 service and is transferred as a consequence of this Act may
21 retain the employee's exempt status, but shall not be appointed

1 to a civil service position as a consequence of this Act. An
2 exempt employee who is transferred by this Act shall not suffer
3 any loss of prior service credit, vacation or sick leave credits
4 previously earned, or other employee benefits or privileges as a
5 consequence of this Act; provided that the employees possess
6 legal and public employment requirements for the position to
7 which transferred or appointed, as applicable; provided further
8 that subsequent changes in status may be made pursuant to
9 applicable employment and compensation laws. The director of
10 business, economic development, and tourism may prescribe the
11 duties and qualifications of these employees and fix their
12 salaries without regard to chapter 76, Hawaii Revised Statutes.
13 SECTION 4. All appropriations, records, equipment,
14 machines, files, supplies, contracts, books, papers, documents,
15 maps, and other personal property heretofore made, used,
16 acquired, or held by the department of accounting and general
17 services relating to the functions transferred to the department
18 of business, economic development, and tourism shall be
19 transferred with the functions to which they relate.
20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

1 SECTION 6. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: _____

JAN 26 2015