



HAWAII

STATE FOUNDATION on
CULTURE and the ARTS

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**TESTIMONY OF THE STATE FOUNDATION ON CULTURE AND THE ARTS TO THE
COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS
March 16, 2023 Conference Room 224 & Videoconference at 3:00PM**

H.B. 475 H.D.1.

RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS

Chair ee and members of the Committee, the State Foundation on Culture and the Arts (SFCA) is pleased to offer **COMMENTS** relating to H.B. 475 H.D.1.

SFCA supports a general fund appropriation and establishment of a position for an **art in private places** program, provided it does not violate state or federal laws.

Making “the arts” more publicly accessible may be a benefit of H.B. 475 H.D.1. The SFCA welcomes the opportunity to explore how best to serve the community through a general fund appropriation to the State Foundation on Culture and the Arts for the art in private places program and to establish one position for the foundation.

Attached for the Committee's consideration is our markup of House Bill No. 475 H.D. 1 and an explanation of the proposed changes.

Thank you for the opportunity to provide comments on this matter.

Attachment

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:

1 PART 1.

2 SECTION 1. There is appropriated out of the general
3 revenues of the State of Hawaii the sum of \$ or so
4 much thereof as may be necessary for fiscal year 2023-2024 and
5 the same sum or so much thereof as may be necessary for fiscal
6 year 2024-2025 to the state foundation on culture and the arts
7 for:

8 (1) The art in private places program; provided that for
9 purposes of this paragraph, "private places" means
10 non-state owned publicly accessible areas and city and
11 county buildings; and

12 (2) The establishment of one full-time
13 equivalent (1.0 FTE) permanent position.

14 The sums appropriated shall be expended by the state
15 foundation on culture and the arts for the purposes of this Act.

16

1 PART 2.

2 SECTION 2. Chapter 9, part III, Hawaii Revised Statutes,
3 is amended:

4 1. By amending the title of the section and section 9-21 to
5 read as follows:

6 "[+]PART III.[+] ART IN PUBLIC PLACES AND RELOCATABLE WORKS
7 OF [+]ART[+] PROGRAMS, PERFORMING ARTS, AND STATE ART MUSEUM

8 "[+]§9-21[+] Purpose. The foundation shall administer the
9 art in public places and relocatable works of art programs,
10 pursuant to section 103-8.5, [~~and~~] the state art museum, and the
11 performing arts program, to achieve the following purposes:

12 (1) Replace in public state buildings the natural beauty
13 displaced in construction with works of art expressive
14 of the State's cultural, creative, and traditional
15 arts of its various ethnic groups;

16 (2) Support, promote, and recognize excellence of the
17 State's diverse cultural, creative, and traditional
18 artists; [~~and~~]

19 (3) Create, display, and maintain in public places and the
20 state art museum a collection of works of art that:

21 (A) Represents the diversity and excellence of the
22 State's artistic expression; and

1 (B) Provides to all the citizens of the State the
2 fullest possible access to the highest quality
3 aesthetic and educational experiences
4 available[-];

5 (4) Coordinate, plan, promote, market, and execute the
6 performing arts program;

7 As used in this part, "performing arts" include arts or
8 skills that are intended to be performed before an audience
9 including dance, singing, musical performances, and theatre."

10 2. By adding a new section to be appropriately designated
11 and to read as follows:

12 "§9- Performing arts special account. (a) There is
13 established in the state treasury the performing arts special
14 account into which shall be deposited:

15 (1) Revenues from performing arts program;

16 (2) Gifts, grants, and other funds for performing arts
17 accepted by the foundation;

18 (3) Appropriations by the legislature to the performing
19 arts special account; and

20 (4) All interest and revenues or receipts derived by the
21 foundation from performing arts events, including:

22 (A) Rents, fees, charges for the use of facilities;

1 (B) Concession agreements and other use agreements;
2 and

3 (C) Revenues from agreements the recording of
4 performances negotiated by the foundation.

5 Moneys in the account shall be used for the coordination,
6 planning, promotion, marketing. and execution of performing arts
7 events; provided that not more than per cent shall be used
8 for administrative expenses."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$_____ or so
11 much thereof as may be necessary for fiscal year 2023-2024 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2024-2025 to carry out the purposes of this Act, including
14 the hiring of necessary staff.

15 The sum appropriated shall be expended by the state
16 foundation on culture and the arts.

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

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 Section 6. This Act shall take effect ON June 30, 3000.
4
5

Report Title:

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Description:

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The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Explanation of
Proposed H.B. No. 475, H.D.1, S.D.1
A Bill for an Act
Relating to the State Foundation on Culture and the Arts

Background

1. H.B. No. 475, Relating to the State Foundation on Culture and the Arts, as originally introduced, proposed an appropriation of general fund revenues for FY 2023-2024 and FY 2024-2025 to the State Foundation on Culture and the Arts for an art in private places program. Including one full-time position.

H.B. No. 475, H.D.1 included a definition of “private places” to mean “non-state owned publicly accessible areas and city and county buildings,” and an effective date of June 30, 3000.

H.B. No. 475, H.D.1, was passed by the House; passed First Reading by the Senate and referred to TCA, WAM

Considerations

1. Section 9-1, HRS, defines:
 - “Art” to include music, dance, and drama (which includes theatre, radio, or television); and
 - “Culture” to include “...the arts, customs, traditions, mores, and history of all of the various ethnic groups of Hawaii.”

Proposal

Amend H.B. No. 475, H.D.1, to include two parts:

Part 1: which keeps the proposal making an appropriation of general fund revenues for FY 2023-2024 and FY 2024-2025 to the State Foundation on Culture and the Arts for an art in private places program. Including one full-time position.

Part 2, which:

1. Amends PART III, Chapter 9, HRS, to:
 - To include the performing arts program among the programs to be administered by the State Foundation on Culture and the Arts, which includes coordinating, planning, promoting, marketing, and executing the performing arts program;
 - Include a definition of “**performing arts**” as including the “**arts or skills that are intended to be performed before an audience, including dance, singing, musical performances, and theatre.**”

2. Further amend PART III, Chapter 9, HRS, to establish the performing arts special account, which shall include:

- Revenues received from events and performances of the performing arts program, including income from the rental of facilities, concession agreements, and revenues from negotiated agreements for the recording of performances;
- Gifts, grants received from federal agencies like the National Endowment for the Arts, and other sources;
- Appropriations by the Legislature; and
- Interest income of the special account.

Specifies that the moneys in the account shall be used for the planning, promotion, marketing, and execution of performing arts events, and establishes a limit on the amount in the account that can be used for administrative purposes.

3. Makes an appropriation to start-up the program, especially with experienced staff and resources to execute performing arts events.