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LEGISLATIVE REFERENCE BUREAU  
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## Written Comments

### **HCR199**

# **ENCOURAGING THE STATE FOUNDATION ON CULTURE AND THE ARTS TO COMMISSION PERMANENT EXHIBITS AND DISPLAY INFORMATION RELATING TO ART, CULTURE, HISTORY, AND THE HUMANITIES AT THE HAWAII STATE CAPITOL, WHICH MAY COINCIDE WITH THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF THE HAWAII STATE CAPITOL.**

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the House Committee on Veterans, Military, & International Affairs, & Culture and the Arts

Thursday, March 23, 2017, 9:50 a.m.  
Conference Room 429

Chair Ken Ito and Members of the Committee:

Good morning Chair Ito and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.C.R. No. 199, Encouraging the State Foundation on Culture and the Arts to Commission Permanent Exhibits and Display Information Relating to Art, Culture, History, and the Humanities at the Hawaii State Capitol, Which May Coincide with the Celebration of the Fiftieth Anniversary of the Hawaii State Capitol.

The purpose of this measure is to encourage the State Foundation on Culture and the Arts to:

- (1) Commission permanent exhibits and display information relating to art, culture, history, and the humanities at the Hawaii State Capitol, which may coincide with the celebration of the fiftieth anniversary of the Hawaii State Capitol; and

- (2) Study whether statutory authorization to sell works of art that the Foundation already owns and to use those proceeds to acquire other works of art that can be readily displayed for public appreciation would further facilitate the Foundation's mission.

The measure also requests that:

- (1) Upon the request of the State Foundation on Culture and the Arts, the Legislative Reference Bureau assist with the study; and
- (2) The findings and recommendations of this study, including any proposed legislation, be submitted to the Legislature no later than twenty days prior to the convening of the 2018 Regular Session.

The Bureau takes no position on the merits of this measure, but submits the following comments for your consideration.

As a general matter, we note that the State Foundation on Culture and the Arts is an executive branch agency. The Bureau is statutorily directed to use its resources and services to assist the Legislature and its members, unless otherwise directed by the Legislature.

Accordingly, we have some concerns with how the measure is currently drafted with respect to the work requested of the Bureau. The language of the measure requests the Bureau, upon the request of the State Foundation on Culture and the Arts, to assist the Foundation even though the Foundation is an executive branch agency. We note that, as an executive branch agency, the Foundation has access to the legal services of the Department of the Attorney General, which possesses greater available legal resources compared to the Bureau and, as such, could more readily provide the necessary legal guidance.

If the Committee decides to recommend the adoption of this measure and desires to keep the Bureau involved, we respectfully request that it be amended by narrowing the scope of the Bureau's involvement to assisting the Foundation with the finalizing of a report and any proposed legislation in relation thereto. Furthermore, if the measure is amended to clarify that the Bureau finalize the task force's report and draft proposed legislation, we would also request that it be specified that a draft report be submitted to the Bureau no later than October 1, 2017, so that work on the report would not adversely impact our ability to provide our core services to the Legislature for the upcoming 2018 Regular Session.

If the measure is amended to address the concerns noted above to only have the Bureau assist with finalizing the report and proposed legislation and if the draft report and legislation request is submitted by October 1, 2017, the Bureau believes that the services requested under the measure would be manageable and that the Bureau will be able to provide the services in the time allotted; provided that the Bureau's interim workload is not

adversely impacted by too many other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.



**HAWAII**

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CULTURE and the ARTS

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**TESTIMONY OF**  
**THE STATE FOUNDATION ON CULTURE AND THE ARTS**  
**TO THE COMMITTEE ON VETERANS, MILITARY, & INTERNATIONAL**  
**AFFAIRS, & CULTURE AND THE ARTS**  
**H. C. R. 199 / H. R. 127**  
**ENCOURAGING THE STATE FOUNDATION ON CULTURE AND THE**  
**ARTS TO COMMISSION PERMANENT EXHIBITS AND DISPLAY**  
**INFORMATION RELATING TO ART, CULTURE, HISTORY, AND THE**  
**HUMANITIES AT THE HAWAII STATE CAPITOL, WHICH MAY**  
**COINCIDE WITH THE CELEBRATION OF THE FIFTIETH**  
**ANNIVERSARY OF THE HAWAII STATE CAPITOL**  
**To be heard Thursday MARCH 23, 2017**  
**9:50am at CR429**

Chair Ito and members of the Committee, I am Jonathan Johnson, Executive Director of the State Foundation on Culture and the Arts (SFCA), and I am grateful for the opportunity to testify and **COMMENT** on H.C.R.199/H.R.127.

The SFCA recognizes the need for exposure and outreach and appreciates the effort put forth by the committee, to make accessible to the public the display of art and interpretive displays relative to the foundation.

The SFCA has successfully installed the Art in Architecture display in the fourth floor Ewa corridor, of the State Capitol building. Should the taskforce for the 50<sup>th</sup> Anniversary of the State Capitol recommend such display these could support this effort and SFCA would be enthusiastic to have this display come to fruition.

Regarding the initiative to research the possibility of the sale of artwork from the Art in Public Places Collection, the SFCA has in the past researched this possibility and found that proceeds from the sale of artwork would go to the general fund. This is not in line with the bond fund source of the purchase of the artwork. Deaccession of artwork follows the Department of Accounting and General Services inventory process for disposal of property.

The Art in Public Places collection is a historical survey of contemporary art in Hawaii supporting the SFCA's mission of education and access.

Thank you for the opportunity to submit written testimony on this matter.