



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 119, RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND THE ARTS
AND ON GOVERNMENT OPERATIONS

DATE: Tuesday, February 14, 2023 **TIME:** 3:05 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Patricia Ohara, Deputy Attorney General

Chairs Lee and McKelvey and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to allow the Works of Art Special Fund ("WASF"), established by section 103-8.5, Hawaii Revised Statutes, to be used for works of performing arts provided that those works are recorded. The bill defines "performing arts" as "arts or skills that are intended to be performed for an audience" including dance choreography (sic), singing, lyrics, motion pictures, music, theater, pantomime, screenplays, sound recordings, and similar types of works. This bill also identifies "display" to include the posting of a recording of the works of art, which includes works of performing arts that meet certain criteria.

The WASF's source of funding dictates that for the purposes of section 103-8.5, works of art (as opposed to works of performing arts) currently means items such as paintings, sculptures, photographs, and pottery pieces.

Currently, the WASF is funded by tax-exempt general obligation bonds, and to maintain the tax-exempt status of the general obligation bonds, the WASF moneys must be used in a manner that is consistent with the requirements of the Internal Revenue Code. Under the Internal Revenue Code, tax-exempt general obligation bonds, with certain exceptions, are used for capital projects. Using tax-exempt general obligation

bond proceeds for operating purposes jeopardizes the tax-exempt status of the bonds. See Treasury Regulation sections 1.148-1(c)(4)(ii) and 1.148-10(a)(4).

This bill authorizes the WASF to be used to record works of performing arts in a video or audio file or other medium to enable the showing or viewing of the works. The recording process is treated as a capital expenditure under the Internal Revenue Code section 263(A) and Treasury Regulation section 1.263A-2(a)(2)(ii) (the production of "films, sound recordings, video tapes, books, and other similar property embodying words, ideas, concepts, images, or sounds by the creator thereof" must be capitalized), and thus is a permissible use of the WASF under the Internal Revenue Code.

However, we believe that the posting, showing, or playing back of a recording of such video or audio files appear to be an operating expense and not a permissible use of the WASF because it is incurred after the production of the work of performing art and is an expense that the State Foundation of Culture and the Arts incurs through its normal operations. We therefore recommend not authorizing the use of the WASF for the display of the works of performing arts.

Additionally, the Department notes there may be a missing comma on page 3, lines 14-15, of the bill. It should be corrected as follows: ". . . includes dance, choreography, singing, lyrics, motion pictures, music . . ."

Thank you for the opportunity to present this testimony.



HAWAII

STATE FOUNDATION on
CULTURE and the ARTS

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**TESTIMONY OF THE STATE FOUNDATION ON CULTURE AND THE ARTS
TO THE SENATE COMMITTEE ON TRANSPORTATION, CULTURE AND THE ARTS
AND THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
February 14, 2023 Conference Room 224 & Videoconference at 3:05PM**

S.B. 119 RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS

Chairs Lee, McKelvey and members of the Committees, the State Foundation on Culture and the Arts (SFCA), is pleased to offer testimony **OPPOSED** to S.B. 119 which: Allows the Works of Art Special Fund to be used for performing arts, under certain conditions. Provides that forty percent of the Works of Art Special Fund be used for performing arts. Defines performing arts.

The performing arts in Hawaii are a vital part of our community and currently receive SFCA support through General Fund appropriations from the legislature and Federal funding from the National Endowment for the Arts. Performing Arts, including cultural presentations, represent 43% of total Biennium Grants awards and 72% of total Artists in the Schools projects.

Since 2020, support for Native Hawaiian art accounts for 76.7% of works of art special fund expenditures. The cuts proposed in S.B.119 directly impact the funding of Native Hawaiian artists, practitioners, curators and Hawaiian owned companies. For a detailed report relating to expenditures from the works of art special fund for the curation and preservation of Native Hawaiian art, [click this link](#) to the SFCA report to the 2023 Legislature on SCR 97.

The percent-for-art law was created in 1967 based on the intrinsic relationship between art and architecture, where art is included as an essential part of the architectural plan, providing access and education to the people of Hawaii. Hawaii was the first state in the nation to adopt a percent-for-art law where 1% of the construction appropriation is set aside for art in State buildings (103-8.5HRS).

Based on discussions with the Attorney General's Office on what is allowable and not permissible, the Department of Business Economic Development and Tourism's Creative Industries Division regarding copyright, and industry professionals regarding best practices, the requirements in S.B. 119 complicate and limit funding, and support for performing arts.

S.B.119: Allows the Works of Art Special Fund to be used for performing arts, under certain conditions

While there is a great demand for the SFCA to support initiatives outside of the parameters of 103-8.5hrs including performing arts, the fund does not allow for the broad use due to its source as bond revenue. The revenue of the special fund is from tax exempt bond issuances which requires that proceeds cannot be used for operational purposes, i.e. performances that are not directly interpreting of the works of art in the APP Collection. If we change the nature of the expenditure, the tax exempt status of the bonds could be lost, creating a significant negative impact on bondholders and the State, increasing debt service cost and tarnishing the State's reputation in the financial markets.

S.B.119: Provides that forty percent of the Works of Art Special Fund be used for performing arts

While S.B.119 may appear to be an increase in funding for performing arts, in truth it will dilute funding for the visual arts by 40%.

S.B.119: The State has whole and exclusive copyrights in the performance and its recordings pursuant to the works made for hire doctrine under federal copyright laws;

Rather than transfer copyrights to the State, it is important that the State ensure the intellectual property rights of creators including Hawaiians be protected.

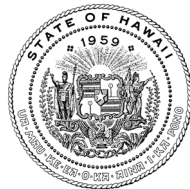
S.B.119: Defines performing arts

The existing definition of "Arts" in Chapter 9 HRS is inclusive and covers everything in the S.B.119 definition: "Arts" includes music, dance, painting, drawing, sculpture, architecture, drama, poetry, prose, crafts, industrial design, interior design, fashion design, photography, television, motion picture art, unique or decorative plants, landscaping, and all other creative activity of imagination and beauty.

The State through the SFCA has an established a successful funding pathway for Performing Arts that is encompassing and not as limiting as the specifications of the Works of Art Special Fund. SFCA recommends the legislature establish an annual performing arts general fund appropriation to the State Foundation on Culture and the Arts. The fund would be distributed to performing arts organizations statewide through a process with criteria developed by the SFCA in consultation with the performing arts organizations.

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

JOSH GREEN, M.D.
GOVERNOR



LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
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DEPARTMENT OF BUDGET AND FINANCE
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON TRANSPORTATION AND CULTURE AND
THE ARTS AND GOVERNMENT OPERATIONS
ON
SENATE BILL NO. 119

February 14, 2023
3:05 p.m.
Room 224 and Videoconference

RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS

The Department of Budget and Finance (B&F) opposes this bill.

Senate Bill No. 119: 1) allows the Works of Art Special Fund to be used for performing arts; 2) requires that 40% of the Works of Art Special Fund be used for performing arts; and 3) adds definitions and criteria to prescribe what would be qualifying performing arts.

It should be noted that the primary source of revenue for the Works of Art Special Fund comes from debt financing, such as general obligation bonds or revenue bonds. Based on sound public financial management practices, it is not appropriate to use debt financing for operating-type purposes or expenditures.

Thank you for your consideration of our comments.

To whom it may concern:

I oppose SB119 as it would remove necessary funds that currently support the main focus of my career in the arts to teach children dance in the schools and small rural areas of the the Big Island. It is vital that we continue to support our keiki through the arts especially as they recover from the trauma of the pandemic.

Sincerely,
Debra McGee

Teaching Artist with Hawaii State Foundation on Culture and Arts

Director of Danse Space Hawaii

SB-119

Submitted on: 2/13/2023 9:12:42 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Donald K. Johnson	Testifying for Windward Artist Guild	Oppose	Written Testimony Only

Comments:

SB119 OPPOSE

Do you know why private schools teach art? It makes for smart people!

It is all of our responsibility to ensure all the children of Hawaii have well rounded educations, which includes arts engagement. The State Foundation on Culture and the Arts uses their resources to provide education and access to the arts for all. Do not take away opportunities from our children to video tape performances. Students need to participate in the arts, the very thing the State Foundation on Culture and the Arts does in schools. We need smart creative kids to come out of the Public Schools. That's where most of our island children get their education. Public buildings will not make creative kids!

SB-119

Submitted on: 2/13/2023 10:21:14 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Orr	Testifying for Rachel Orr Art	Oppose	Written Testimony Only

Comments:

Aloha,

This bill would decimate the livelihood of all artists in Hawai'i. Community enrichment and cultural enrichment, especially for keiki and future generations, would suffer terribly and exponentially. I urge you to oppose this bill and protect the arts in Hawai'i with all of your ability.

Mahalo nui Loa

SB-119

Submitted on: 2/12/2023 9:58:52 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Pollock	Testifying for Ebb & Flow Arts	Support	Written Testimony Only

Comments:

This is testimony to support the performing arts with a general fund appropriation.

Happy Valentine's Day! Albert Einstein loved the arts, He played the violin. Einstein said that intelligence is not measured by knowledge but by **imagination**. The performing arts are essential for a thriving, spiritually healthy community. The Arts cultivate, inspire, induce, stimulate, and foster our IMAGINATION. For example, the Honolulu Rail Transit project has languished for many years not primarily because of funding, domain, and political issues. Its failure of completion is because of a fundamental lack of imagination. We need the Arts to help us dream and then act upon our dreams for the future. The stronger our imagination, the more detailed, complex, proactive and powerful will be our vision.

Hawai'i as a destination point becomes more attractive when the Arts thrive in our communities - a full-time symphony, a powerful performing arts community, a diversity of artistic approaches. Tourism is enhanced by the Arts!

I was active in New Jersey in the 1980's when Governor Thomas Kean's administration increased the NJ State Council on the Arts from 2 million to 22 million dollars during his 8 year tenure. He recognized that the "dreamers" in our society must be given the emotional, financial, and spiritual space to achieve for all of our betterment. So, it is possible for state government leadership to bolster the Arts with strong financial support. Please help re-vitalize HSFC that, per capita, used to be one of the strongest such agencies in the country. Help fight the stifling, crass commodification and corporatization of our lives by your support of non-conforming, independent minded performing artists in our community. Their art, music, dance, and plays enable our imagination to reach its full glory!

SB-119

Submitted on: 2/13/2023 10:58:46 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Evan Anderson	Testifying for Hawai'i Arts Alliance	Comments	Written Testimony Only

Comments:

Aloha, Honorable Chairman and Members of the Committee-

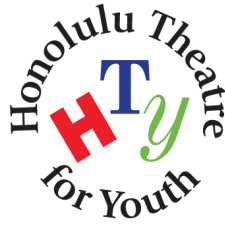
I write today to share comments on behalf of the Hawai'i Arts Alliance regarding SB 119 concerning the use of State Foundation for Culture and the Arts funds for the performing arts. While we applaud the aim of the bill, which is to support the performing arts, a vital sector of Hawai'i's economy and cultural life, we strongly believe that taking money away from the current funding stream supporting the work of the State Foundation for Culture and the Arts is not the solution. Instead, a separate, proportional appropriation should be made to support the performing arts in Hawai'i.

As we all know, the COVID-19 pandemic has had a devastating impact on the performing arts in Hawai'i and across the country. The performing arts industry in Hawai'i experienced a significant decline in revenue during the pandemic, and this decline has had a ripple effect, affecting not only the artists, but also the support staff, stagehands, musicians, and others who rely on this industry for their livelihoods.

In 2020, a national study by the National Endowment for the Arts found that the nonprofit theater industry was one of the hardest hit by the pandemic, with a loss of approximately \$4.5 billion in revenue. This not only represents a loss of income for artists and support staff, but also a loss of cultural richness and diversity for communities.

Resources to aid in the recovery of our creative industries are urgently needed, and federal rescue monies can no longer be counted on to buoy up our arts economy. **It is only through a state-level commitment to and investment in the arts that we can provide a much-needed boost to the performing arts in Hawai'i. However, we must not take away from the essential programs around visual arts and arts education for our keiki that our current funding for the State Foundation provides. Rather than continuously trying to slice the pie of state arts resources ever thinner, we need to commit to a bigger pie.**

In conclusion, we at the Hawai'i Arts Alliance understand the financial constraints faced by the state, but we believe that an investment in the performing arts is an investment in the cultural and economic well-being of our communities. We urge the committee to consider a separate, proportional appropriation to support the performing arts in Hawai'i, either through an amendment to this bill or through another means of appropriation, so that this vital sector can recover and thrive. Thank you for your consideration.



SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

The Honorable Chris Lee, Chair
The Honorable Lorraine R. Inouye, Vice Chair

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

The Honorable Angus L.K. McKelvey, Chair
The Honorable Mike Gabbard, Vice Chair

S.B. NO. 119, REALTING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS

Hearing: Tuesday, February 14, 2023, 3:05 p.m.

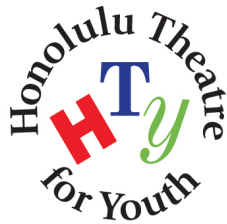
Aloha, Chair Lee, Vice Chair Inouye and members of the Senate Committee on Transportation and Culture and the Arts, and Chair McKelvey, Vice Chair Gabbard and members of the Senate Committee Government Operations.

Honolulu Theatre for Youth appreciated the opportunity to testify on S.B. No. 119 and offers the following testimony in **OPPOSITION** to S.B. No. 119.

As one of the largest and oldest performing arts organizations in the state, Honolulu Theatre for Youth (HTY) could potentially benefit from this measure. Like so many in our industry, we are facing unprecedented challenges and are deeply grateful for any efforts to include or expand support for the performing arts sector. That said, we must register our opposition to S.B. No. 119 over two immediate areas of concern.

First, we join the many other voices in expressing concern for the copyright and recording provisions proposed in S.B. No. 119. As an organization that creates both digital media and live performances, we hire professionals across different artistic disciplines. Our experience has shown us there will not be a universal pathway to assigning intellectual property rights to a live performance or to a digital media work, and that even negotiating rights for archival purposes is complex and varies depending on the discipline of the collaborator. Loss of ownership of intellectual property rights would be strongly opposed, not only by most artists, but also by professional unions, cultural practitioners and organizations producing the work. The State Foundation on Culture and the Arts (SFCA) has a long history of supporting artists across a great many disciplines and the State must ensure they continue to have the flexibility to approach visual art, live performances and recorded media distinctly.

Our second and more profound issue with S.B. No. 119 is that while redirecting funds from the Works of Art Special Fund from one sector of our creative economy and spreading out these resources across the broader field may seem more equitable, it could actually weaken the key component that makes the SFCA's Art in Public Places and Relocatable Works of Art programs so successful; consistency. A mechanism for providing consistent funding over time is exactly why so many states have followed Hawaii's progressive lead in adopting similar programs. Allowing SFCA to widen the scope of the Art in Public Places program carefully in alignment with their strategy and the shifting landscape of the sector would be supported by us. Mandating a quick, radical change in scope and use of the special funds could



prove devastating to the existing programs that depend on the funding, would be difficult for the agency to implement quickly and could further destabilize the creative economy at a time when we most need support. We are proud that our State led the nation in creating a mechanism to support art and culture through consistent and ongoing funding. Could we do it again through building another ongoing mechanism to support a wider base of artistic endeavors? Let's lead the country again in innovative solutions and in creating more investment in our creative future.

Thank you for considering our testimony related to S.B. No. 119.

Eric Johnson
Artistic Director
Honolulu Theatre for Youth

Dear Legislators,

I am submitting written testimony to strongly object to the proposed Bill SB 1119 relating to the Works of Art Special Fund. This bill is proposing to cut the 1% for the arts to .5% and this is simply unacceptable.

Hawaii was the very first state in the nation to establish the 1% for the arts in 1967, which designated one percent of construction costs of new buildings for the acquisition of work of art, either by commission or purchase. In 1989 this was expanded to the Works of Art Special Fund which allowed works of art to be available to all state public places.

It cannot be overstated how important this has been for the sharing and enjoyment of art in public spaces, for the education of the public and the appreciation of art and the artists themselves in our society today. Because of these programs there have been amazing sculptures commissioned for new buildings, and artworks are displayed in government offices, libraries, airports and numerous other public spaces. It is a representation of our people and many cultures - not only for the enjoyment of those of us who live here, but for all who visit the Islands as well. It is an important part of our cultural capitol.

This is the last place that should be targeted for budget cuts. Not only does it benefit every single one of us as the viewing public, but it is also a life line of financial support to the working artists of Hawaii. Artists careers are launched when awarded public commissions, and artists careers are supported when artworks are purchased from juried shows. If these cuts are allowed to happen it will be a blow to us all. The SFCA will no longer be able to purchase art, fund contracts or support local artists and performers who depend on this long standing source of public support.

Our legislators were the pioneers in recognizing the importance of art to the human spirit and development. Their efforts inspired the creation of over 300 public art programs nationwide at the federal, state, and county levels. Let us continue to honor this tradition of excellence and not let Bill SB 1119 pass to the detriment of the people of Hawaii.

Sincerely,

Kathleen C. Grennan

SB-119

Submitted on: 2/12/2023 8:45:20 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Donald Cervantes	Testifying for Aupuni Space	Oppose	Written Testimony Only

Comments:

On behalf of my organization, I voice opposition to SB119

While I wholeheartedly support funding for performing arts of all mediums, but SB119 is not the way to do it.

This bill is misdirected and somewhat duplicitous in it's language.

(3) The State has whole and exclusive copyrights in the performance and its recordings pursuant to the works made for hire doctrine under federal copyright laws;

SB-119

Submitted on: 2/12/2023 1:05:18 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Linares`	Testifying for Exhibition Grid	Oppose	Written Testimony Only

Comments:

We, at Exhibition Grid, strongly oppose bill SB119, which redirects 40% of the funding for the Art in Public Places Program, the Hawaii State Art Museum, Artists in the Schools, and Student Art Exhibitions towards video documentation of performances.

As a company dedicated to preserving and promoting the arts in Hawaii, we believe that this bill will have a detrimental impact on our mission and the arts community as a whole. The funds that support these programs are essential to preserving the cultural heritage and promoting the arts in Hawaii, and this reduction in funding will have a significant impact on the state's ability to support the arts and provide opportunities for artists and art students.

Additionally, the requirement that the state holds the "whole and exclusive copyrights" for the recorded performances raises serious concerns about the future availability of these recordings for public viewing. The arts are meant to be accessible to all, and this restriction of access to these recordings goes against the principles of transparency and accessibility that we hold dear.

We urge you to reconsider the provisions of this bill and the impact it will have on the arts in Hawaii. The arts have a profound impact on the lives of individuals and communities, and it is essential that we continue to support and preserve the arts in Hawaii.

Thank you for considering our testimony.

SB-119

Submitted on: 2/13/2023 1:03:07 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
maile meyer	Testifying for na mea hawaii	Oppose	Written Testimony Only

Comments:

Welina mai kakou--greetings to all those gathered in support of creative communities in Hawai'i nei, and in particular to Senators Wakai, Keith-Agaran, Kidani, McKelvey and Shimabukuro,

The performing arts community is absolutely vital to the fiber of creative and community expression, but not funded in this manner. It is also disconcerting that you consider any of these "performances" filmed by the SFCA to be the sole property of the agency along with the rights to show the work, without consideration of the rights of the artist who created the work. I am sure that is not your intent, perhaps this bill should be looked at closer before it is presented to the legislative body.

mahalo for all your hard work in representing so many different interests, in the end all of our efforts create a more inclusive, expressive, creative and joyful Hawai'i.

me ka mahalo,

maile meyer

SB-119

Submitted on: 2/13/2023 1:21:17 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Simone Fromen	Testifying for Pau Hana Painters Collective	Oppose	Written Testimony Only

Comments:

Hello, my name is Simone Fromen, the current director of the Pau Hana Painters Collective (PHP). PHP is a local collective of contemporary artists who work and live here in Hawaii. It was started as an attempt to build a community that could work together to tackle the professional art world. PHP has been welcomed completely by the contemporary art world, but most notably we have been embraced by the Hawaii State Art Museum (HiSAM). HiSAM has welcomed our collective of over 10 artists with varying experience and styles, to paint live at their second Friday events. For the past year, HiSAM has continued this relationship with us, providing a safe and positive space for young artists to blossom and share their craft with the rest of the community. If organizations such as HiSAM were to lose their funding due to this bill, so many people will lose. The community itself will lose a valuable space that holds and shares contemporary culture and art education. Often times, the art world seems to have a wall up against lower income community members. However, places like HiSAM bring art to everyone, and give opportunities to those who would normally not have them to embrace art, be educated on the culture, and to make art themselves. Without HiSAM, myself and the other PHP artists would likely never have the opportunity to show our work to a wide audience in a museum setting. Speaking for myself, HiSAM has allowed me to fully embrace my career as an artist. It has allowed me to enter the community, and meet wonderful people whether they are art lovers or the average person who just so happened to visit the free event. That's what's so great about HiSAM and other funded programs. They bring fine art to people who wouldn't normally see it, and to take that away would truly be a terrible loss. For the community, for artists, for students, and for the art culture here in Hawaii. Please consider the impact of this bill, and see how important these spaces and programs are to so many people.

SB-119

Submitted on: 2/13/2023 2:49:32 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael D Marshall	Testifying for SFCA Hawaii Island Commisioner	Oppose	Written Testimony Only

Comments:

SB119

The potential of visual and performing arts to enrich the lives of everyone, Keiki through Kupuna, is only possible if there is fiscal support to create coupled with access.

A redirect of 40% of funding support away from the visual arts (Art in Public Places Program, Hawaii State Art Museum, Artists in the Schools, and Student Art Exhibitions) to funding video documentation to archive performance event, that would not be available for public viewing is wholly counterproductive and a waste of state resources.

SB-119

Submitted on: 2/12/2023 12:48:26 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
margaret theresa sutrov	Testifying for Artists In The Schools Grants	Oppose	Written Testimony Only

Comments:

Aloha,

I am OPPOSED to SB 119 because it takes significant funds away from art education for Hawaii's students.

This year I have taught in two schools through the Artists in the School Grant, funded through the Hawaii State Foundation For Culture And The Arts. I drive to Hana monthly to collaborate with a middle school science teacher, and I taught a 10 session project to 4th and 5th grade students at Kihei Charter School.

In each of these programs students learned to observe closely as artists and scientists in ways that connected to their grade level curriculum. Through the act of drawing and close observation students notice more. They not only become artists, but better scientists. They inquire more deeply, build a personal connection with their object of study, whether it be their school garden, or endangered endemic species.

The arts do not have right or wrong answers. **Through the arts students learn to be creative problem solvers.** In creating a work of art, they find a pathway to a solution that is unique to them, their vision, and their community. Creative problem solving is a skill that our islands need more than ever. While my goal is always that my students will continue to create art and to value their personal voice and expression, on a practical level, I want these students to be close observers and to be able to find solutions when there isn't a clear path forward. The arts teaches that, and our students need those skills for our swiftly changing world. Our communities and our islands, need people who can look closely and find creative solutions.

If the State of Hawaii wants to record performances--especially if the recordings will not be available to the public--then it SHOULD NOT be done at the expense of Art Education for Hawaii's students. Find a different solution, and do not rob Hawaii's students of their creative future.

SB-119

Submitted on: 2/13/2023 10:16:17 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Aaron Wong	Testifying for TRADES A.i.R.	Oppose	Written Testimony Only

Comments:

As co-founder of a local arts non-profit and dedicated member of the arts community--I have considerable concerns about the language of this bill. In particular the percentage dedicated to "performing arts" and the definition of those performing arts as the video documentation of performances that the state then owns exclusive rights to--is baffling. Documentation should provide additional access to ineffable performances so that they may be more widely shared and preserved--and that circulation should always be with the consent and consideration of the performers documented. Instead the bill proposes to take possession of these performances as products that can be retained by the state and shielded from public view.



Ashiya K. Carter
Hana Martial Arts and Dance
AshiyaK@icloud.com

To Whom it May Concern:

My name is Ashiya K. Carter, Ms. Ashiya to my students. I am a teaching artist with 18 years of experience teaching the arts in our Maui, Lana'i, Moloka'i, and Kaua'i Communities.

The role of an artist is to illuminate the world from a unique vantage point. The artist takes a journey of discovery and then shines the light on paths that others can follow to their own discoveries. As artists it is clear to us that Hawaii is currently on a path of discovering how our connections to our fellow humans influence every aspect of our day to day lives. Without a guide on that path we find dead ends that lead us to ignorance, discord, and indifference which is the antithesis of Hawaii's Nā Hopena A'ō learning outcomes that give meaning and culture to classroom teachings in Hawai'i. When a society believes as we do here in Hawaii that we want to instill within each of us a strengthened sense of belonging, responsibility, excellence, aloha, and total well-being we must take a profound introspective look at the fissures within us and our society. Though in many ways Hawaii seems to be "ahead of the curve"; we cannot see the parts of our lived experiences that are kept in the dark because we do not have a platform upon which to discuss, share, and process them.

The art of dance is that platform. Through dance and actively participating in contributing life experiences into story telling and then creating choreography to tell this story; people who take part in this process we develop an empathic understanding of ideas and strengthen bonds and connections within the classroom.

Artists like myself in our community are connecting the dots between perception, emotion, and the ability to communicate. I vote against this resolution because we should support the people who are in the community doing this work right now! We are positively affecting the lives of thousands of school children through the support of the State Foundation on Culture and the Arts' programs. To cut this funding would be detrimental to all of those thousands of children who's ONLY access to the arts comes from these programs. To rob students of this experience in order to record the arts and hold this footage in private will negatively impact our communities, the schools we support with arts instruction, and our public school children.

Sincerely,

Ashiya K. Carter
Teaching Artist

SB-119

Submitted on: 2/13/2023 3:04:14 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cary Valentine	Individual	Oppose	Remotely Via Zoom

Comments:

To Whom it May Concern:

My name is Cary Valentine, aka Monkey Man to my students. I am professional drummer percussionist who has performed on stages around the globe with luminaries such as Dizzy Gillespie, Makana, Kenneth Makuakane and with members of Paul McCartney and REO Speedwagon bands. I am also an award winning graduate of Berklee College of Music and a teaching artist through The Artists in The Schools program with 16 years of experience teaching the arts in our Maui, Moloka'i, and Kaua'i Communities.

Students have been negatively emotionally impacted by COVID and need the arts more than ever to have an outlet to express their emotions and feel a positive outlook on themselves artistically and as a student.

Artists like myself in our community are offering in many cases the only outlet for students to express themselves artistically.

I vote against this resolution because we should support the artists who are in the community doing this work right now! We are positively affecting the lives of thousands of school children through the support of the State Foundation on Culture and the Arts' programs. To cut this funding would be detrimental to thousands of children throughout Hawai'i.

Mahalo for your consideration,

Cary Valentine

SB-119

Submitted on: 2/12/2023 7:04:16 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Janes-Brown	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chairs Lee and McKelvey and Vice Chairs Inouye and Gabbard, and members of both committees,

My name is Paul Janes-Brown, I reside in Pukalani, Maui, HI. I am the former vice chair of the Maui Democrats Education Committee. I was the first Coordinator of Cultural Affairs for the City of Hartford, CT where I was instrumental in drafting, adopting and administering the City's Arts Policy as well as assisting with the adoption of the State's Percent for Art Program. We used as our model Hawaii's program since it was the first and considered to be the best program in the country.

For 15 years I wrote reviews of public visual art shows and arts features for publications such as the Maui News, Maui Weekly, Lahaina News, On Maui and Arts & Culture On Maui.

Since 2010 I have had a weekly televised arts feature, preview and review program beginning with Maui TVNews until 2015 and since then with Akaku.

I am also a Visual Arts Consultant for the State Foundation on Culture and the Arts. In that capacity I review and recommend acquisitions by the State for the outstanding art collection we have.

I have also been active in the performing arts for most of my life as an actor, director and producer. I was a general partner in an award winning professional theater company in New York City prior to coming to Maui and have appeared in and produced numerous theatrical and musical events in my 25 years on Maui.

The purpose of the Percent for Art laws throughout this country is to beautify and humanize our state buildings and increase public access to the arts. In 1989, our legislator created the Works of Art Special Fund, expanding upon the provisions of the Art in State Buildings Law to include having works of art available to all state public places. Added to the source of revenues was one percent of the renovation costs to state capital improvement projects.

Our legislators were the pioneers in recognizing the importance of art to the human spirit and development. Today, there are over 300 public art programs nationwide at the federal, state and county levels and ours is among the best in the country.

So I was dismayed, with all due respect to Chair McKelvey, to see the provisions of SB 119. While I agree performing arts need to be supported and that support is certainly in line with mission of the State Foundation on Culture and the Arts, this bill, as currently drafted needs a great deal of work.

The criteria for determining performing arts is so broad as to be impossible to select, administer and evaluate.

This bill allocates 40% of the Works of Art Special Fund for “support and promotion of the performing arts in the State.” This special fund has 4 purposes. Section (b)(2) of 103-8.5 states “site modifications, display and interpretive work necessary for the exhibition of works of art.” This bill adds “performance and recording of works of art” to that section. How will the state determine whether a performance belongs in the State museum? Does it intend to send a committee to every performance in the state to determine whether it should be included in the State’s collection?

Performances viewed live are seldom recorded so as to capture the excellence of the work. They are usually shot from the back of the house, so as to not interfere with the audience’s enjoyment, with one stationary camera and are used for archival purposes which most theater contracts proscribe.

In order to capture the excellence of a theater or dance performance, it is necessary to produce the performance without an audience in a studio setting with a crew that would be in addition to the normal technical staff required to put on a live performance. This will necessitate obtaining special permission from the rights holders and substantial additional expenses.

When this is done, it is no longer the performance that was seen by the live audience, but a separate production created specifically for viewing and/or listening. Does the State want to become an executive producer?

If these caveats do not dissuade this committee from moving this bill forward, then I recommend that the percent for art bill be increased to 1.5% of construction and renovation costs for state buildings and that additional half percent be allocated for the performing arts. Please don’t cut, what is already a small fund, for this ill advised bill.

SB-119

Submitted on: 2/10/2023 9:21:31 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Keri Powlison	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose this bill. I have worked in the Architecture and Interior Design industry in the State of Hawai'i for over 10 years and the Art in Public Places Program is of the utmost importance to maintaining our cultural identity as a community and as a tourist destination. To reduce the funds used to purchase local artworks, to teach budding local artists, and to share the rich artistic history and community of Hawai'i with its people and it's visitors is a short-sighted, quick money grab that will have long-term consequences when visitors stop seeing Hawai'i as a unique and special place to visit and it just becomes another random beach location, interchangeable with the Floridas and Mexicos of the world. What makes Hawai'i so very special is its culture, and that is a fragile thing that needs support or it will wither away. We need to continue to support our artists, to show our children their culture and heritage, to share this unique and creative culture with our visitors. Our construction, our renovations, our sense of place is grounded in the rich artistic heritage of our beautiful islands. Many places have palm trees and sandy beaches, nowhere else has our Aloha. We need to celebrate that, not strip it away.

SB-119

Submitted on: 2/11/2023 10:56:13 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Owen	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 119, as it would decrease spending on the visual arts by 40%. This change would really hurt the existing programs which are truly important to me. Funding the recording of performing arts performances is NOT important to me, especially as the recordings would not be available for me to view.

Do not pass this bill!!!

Mahalo,

Jennifer Owen

1051 Kokomo Rd.

Haiku, HI 96708

2/13/23

Sean Browne

2965 Robert Place

Honolulu, Hawaii 96816

Der Committee Chair and Committee members:

I write in opposition to SB1119. As a practicing artist and educator, I have witnessed the benefits firsthand of the arts programs, administered by the HSFCA, having played a significant role in promoting, perpetuating and preserving the culture and arts of Hawaii.

As a native Hawaiian, I have been able to create works of art that reflect Hawaii's rich and diverse culture, throughout the State of Hawaii. I am most proud of the works of art that I created for three DOE K-6 schools, Keaukaha Elementary School, which I attended as a child, Ma'ema'e Elementary School and Kohala Elementary School.

The HSFCA's ability to implement these visual art projects as well as other programs statewide, is a credit to their long term vision. A fifty percent decrease in the works of arts special fund as this bill indicates, would seriously hamper their reach to all of the people of Hawaii, young and old.

Thank you for your time.

Aloha, Sean Browne

SB-119

Submitted on: 2/11/2023 12:53:17 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynne Gilroy	Individual	Oppose	Written Testimony Only

Comments:

I am a visual artist and participate in arts programs on Maui and Oahu. I am honored to be living in the state of Hawaii which strongly supports ALL of the the arts with 1% Works of Art Funding from construction. I absolutely oppose the redirection of 40% of the funding support for the Art in Public Places Program, The Hawaii State Art Museum, Artists in the schools, and Student Art Exhibitions. I strongly oppose SB119 because it severely diminishes the amount of funding for all the arts and it promotes video documentation of one particular art. Video documentation is not an art in itself and should be funded in another way. Lynne Gilroy, Makawao, Hawaii

SB-119

Submitted on: 2/11/2023 1:10:59 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Don Bernshouse	Individual	Oppose	Written Testimony Only

Comments:

I am an architect and a visual artist and participate in arts programs on Maui and Oahu. I grew up on the Hawaiian Islands and my entire life and career were strongly impacted by Hawaii's support of the arts, especially the Honolulu Academy of the Arts and later the Contemporary Museum. I am honored to be living in the state of Hawaii which strongly supports ALL of the the arts with 1% Works of Art Funding from construction. I absolutely oppose the redirection of 40% of the funding support for the Art in Public Places Program, The Hawaii State Art Museum, Artists in the schools, and Student Art Exhibitions. I strongly oppose SB119 because it severely diminishes the amount of funding for all the arts and it promotes video documentation of one particular art. Video documentation is not an art in itself and should be funded in another way. Don Bernshouse, Architect, Makawao, Hawaii

Testimony: SB 119

Hello, my name is Dae Han and I am a single father, a music educator, performing musician and founder of Honolulu Jazz Music School. Throughout my recent years, teaching music has become something I've grown very passionate about. To realize the potential that is being unlocked in every student's minds, when they successfully learn to play a song after weeks of practice, is witnessing the brain function on a very high level. There are many scientific studies that have been conducted over decades of research that demonstrate how learning an instrument improves focus in ways that many other activities can not. The results of this are often quantified through academics, which in one study showed that schools offering music training had a graduation rate of 90%, with respect to schools who do not offer music training compare at a 73% graduation rate. This is one of many positive impacts that learning an instrument has on our youth and society as a whole.

As a music educator, I am constantly working with people, ranging from kids to adult students and families of all backgrounds. I've recently partnered my music lessons business, Honolulu Jazz Music School, with Hawaii State Art Museum and through this joint venture, we've been granted funding to make lessons free to the students in our community. The overall response from the community has been overwhelmingly positive, we've garnered a wide interest of students ranging from kids to adults and seemingly appeal to people in a way that is genuine in nature. With Jazz being my background in music, it is only natural that Jazz serves as the core of my teaching methodology. I take pride in passing down musical education in this form and know that it has the power to not only change lives, but also save lives.

Music is universal and has an immeasurable effect on how it shapes our world. Live music is one of the greatest surviving art forms of the 17th century and is incredibly influential even today. The process in which a song is produced in a studio, then played on the radio, then seen live at a concert with strangers you have likely never met, is possibly one of the most fascinating experiences we can have as people. It is a true community building exercise that is done on mass levels, anytime a concert is held. Hawaii State Art Museum is a great venue for live music, that holds monthly concerts in the sculpture garden with free admission. This has allowed our music community to come together in ways many of us have never expected, especially after coming out of a global pandemic.

We are exposed to music in many ways, but perhaps the most beneficial is when we are learning to create music ourselves. Having free access to music lessons and concerts is truly a game changer to our industry and local community. Never in my lifetime, have I personally ever bore witness to such a privilege and I believe that everyone should be allowed this type of access to music. However, these free music lessons have only been made possible through funding from the Art in Public Places program, with the initiative to combine visual and auditory arts. SB 119 would redirect this funding, leaving many students with no access to music lessons. For many students, these lessons are an outlet for creativity, where they can learn to overcome musical challenges in a safe space, which often instills confidence into their everyday lives, but also serving as an activity that teaches them the value of hard work. Not only will SB 119 remove access to musical training as an art form, but it will also create a disparaging gap between those who can afford music lessons and those who cannot. If we want our youth to succeed, our communities to thrive and cultivate prosperity, then we must be able to see the value in continuing to have these programs in place.

SB-119

Submitted on: 2/11/2023 6:01:00 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Douglas	Individual	Oppose	Written Testimony Only

Comments:

The outer islands and the Big Island in particular have not been a fair recipient of the funds as it stands. The works in public places are almost nonexistent. Taking away 40% of the funding will further cripple the arts on the outer islands.

SB-119

Submitted on: 2/11/2023 7:07:21 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Love	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill which would redirect arts funding so that 40% of the works of art special fund be used for performing arts. This would drastically cut funding that is currently used for important programs including supporting artists in Hawaii through purchases through the Art in Public Places Program and introducing students to the arts through the Artists in the Schools.

Many more artists and students will be served through the HSFCA if funding is kept in tact. Currently the HSFCA does support performing arts as well as visual arts, HISAM, and other programs. There is no need for 40% of the allocation to be reserved solely for performing arts. This unnecessary budget constraint would limit flexibility of the HSFCA to grant funding to deserving individual artists, groups, and programs. Additionally, the state holding exclusive copyright over the recordings, as included in the bill, may result in performing artists choosing not to persue support from the state.

My experience as a professional artist, curator and museum administrator tells me that this is a misguided bill and should not move forward.

Thank you,

Katherine Love

SB-119

Submitted on: 2/12/2023 10:23:25 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ball	Individual	Oppose	Written Testimony Only

Comments:

To the members of the Committee,

I am writing in opposition to this bill, which while well intentioned, will place undue strains on the SFCA to manage their crucial mission for the arts and culture across the state. As an Executive Board member of the Friends of the Hawaii State Art Museum--an exemplary public institution bringing our community together during these difficult times--I have seen the transformative power of the SFCA to promote and sustain those things that matter most in our community. I urge the Committee to reject this bill and to throw their support behind our nationally recognized public arts programming. Thank you for your time, consideration, and support of arts and cultural programming.

Sincerely yours,

Dave Ball, Honolulu

Board Member, Friends of the Hawaii State Art Museum (FHiSAM)

SB-119

Submitted on: 2/12/2023 10:44:39 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Taurie Kinoshita	Individual	Oppose	Written Testimony Only

Comments:

To the Committee,

I am writing to oppose this bill. Arts funding is already so low. Our artists, especially indigenous and local, are brilliant and deserve support. Please do not pass SB 119. Thank you for your consideration. Sincerely, Taurie Kinoshita

ALOHA

My name is Gunda Nollenberger, and I am writing today as a concerned citizen to testify in opposition of SB119 `Relating to the State Foundation on Culture and the Arts` and to keep the Works of Art Special Fund untouched.

As I understand it, the proposed wording of S.B. No. 119 is intended to redirect 40 % of the Works of Art Special Fund to videotape performing arts acts. Essentially, this would mean a cut in the visual arts funds.

Recording works of art at presentation sites is just fine. However, instead of using the `one per cent` appropriations, general funds should be utilized.

Looking at the mission of the state foundation on culture and the arts, it clearly states "to promote, perpetuate, preserve, and encourage culture and the arts as central to the quality of life and people of Hawaii. One of the foundation's strategic priorities includes increasing public accessibility to arts and culture."

This mission can only thrive when artists have the opportunity to present their art to the public in spaces where their radiant messages can reach audiences in person to have a conversation in images. Art touches people in ways that speak to their senses. A recording can never replace that experience. All of us have felt the impact of virtual gatherings in recent years. Something gets lost when we just view and consume the arts via screen time. It just does not have the same impact. We - as people - need in-person conversations now more than ever!

Media - such as public showings and recordings - can complement each other very well. More audiences are reached. However, sacrificing funding for one medium in favor of the other is not what is called for. We can have both by using general funds.

MAHALO

SB-119

Submitted on: 2/12/2023 7:14:36 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bernice Akamine	Individual	Oppose	Written Testimony Only

Comments:

I oppose cutting and redirecting 40% of funding from State Foundation on Culture and the Arts from the Art in Public Places program, the Hawaii State Art Museum, Artists in the Schools and Student Art Exhibitions. Public and Charter schools depend heavily upon these art programs, cutting these programs will heavily impact depressed neighborhoods such as those located on the Waianae Coast or in the district of Koolauloa.

Traditionally the artist holds the copyright to work individually created by the artist, having the State decide that they hold "whole and exclusive copyright " simply because of video documentation negates the artist as ceator. Further, archiving without allowing public access of the recording, negates the need for a recording.

Mahalo nui. A native Hawaiian artist.

SB-119

Submitted on: 2/12/2023 7:15:33 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Juvana Soliven	Individual	Oppose	Written Testimony Only

Comments:

As an artist, an arts educator, an art community member, and a former employee of the State Foundation on Culture and the Arts, I am opposed to this bill. While I do believe in the archiving of performance documentation or film-based work, to exclusively allocate 40% of the art special fund to documentation alone would be preposterous as it would cut the funds that would be otherwise dispersed among the entire art community. The SFCA should be able to collect video work, but it should not be required to allocate 40% of the budget for that alone. What will happen to funding for student art exhibitions, educational programming, and the budget for public art that has already decreased significantly over the years?

This bill would severely impact the art community, especially those who rely on state acquisitions as supplemental income. A 40% cut to that budget is harmful to the ecology of the art community. Everyone -- artists and the viewing public, are impacted by the significance of art in our daily lives. The SFCA host events and art exhibitions that are meant to bring in the public; the arts should be for everyone. The funding allocated shouldn't be put into a chokehold on the type of art that should be collected.

To make these video works for "public archive" in which the state would have exclusive rights to the distribution also puts a significant amount of bureaucratic red tape between the artist and the work produced. The SFCA has a collection database that allows all works in the collection to be viewed via the online database, if not in person in state buildings or in the Hawaii State Art Museum. Would an archive for video work have such a database that would allow free, public viewing of archived works in their entirety? What public viewing is possible? This portion of the proposal is extremely vague and can be easily abused.

SB-119

Submitted on: 2/13/2023 7:10:23 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
May Izumi	Individual	Oppose	Written Testimony Only

Comments:

NO. This is a stupid idea. End result will be fewer opportunities and more people leaving the islands.

SB-119

Submitted on: 2/13/2023 8:42:55 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
bailey a ferguson	Individual	Oppose	Written Testimony Only

Comments:

We need to increase funding for the arts... it has a domino effect to improve local economies.

SB-119

Submitted on: 2/13/2023 8:47:06 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Noa Emberson	Individual	Oppose	Written Testimony Only

Comments:

Hawaii needs all the access it can get to public art. Please reconsider this bill as it will seriously hinder the institutions that give important public access to art including the Public Places Program, the Hawaii State Art Museum, Artists in the Schools, and Student Art Exhibitions. Removing the art from our community is removing the heart from our community.

SB-119

Submitted on: 2/13/2023 9:10:29 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcia Pasqua	Individual	Oppose	Written Testimony Only

Comments:

I am **NOT** in favor of this cut to arts funding i.e. cutting 40% of support for visual artists. Instead, increase the general fund support specifically for performing arts.

SB-119

Submitted on: 2/13/2023 9:33:34 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily McIlroy	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this redirecting of funds away from the Art in Public Places Program.

SB-119

Submitted on: 2/13/2023 9:34:06 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Committee Members,

I am understanding that this bill is removing copyright benefits and rights from video recording artists. If that is the case, then I am in strong opposition.

Mahalo,

Shannon Matson

Hawai'i Island Resident

SB-119

Submitted on: 2/13/2023 9:53:36 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Oppose	Written Testimony Only

Comments:

I oppose this unfair bill - please do NOT pass it! Mahalo, JW

SB-119

Submitted on: 2/13/2023 10:12:37 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Wil Tafolo	Individual	Oppose	Written Testimony Only

Comments:

I, as an artist, write in opposition to bill SB119 as it is, at it's core, an extreme cut in funding and an attempt to seize rights to art.

SB-119

Submitted on: 2/13/2023 10:18:01 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Don	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it is ill-worded to define performing arts and unnecessarily specifies a percentage of support towards a portion of the arts and culture community. These restrictions would produce challenges for SFCA to continue providing support to organizations with cross-medium programs in the arts. SFCA currently supports to a cross-sector of arts and culture organizations in Hawaii with relevant programming.

SB-119

Submitted on: 2/13/2023 10:24:51 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Analiese Esopenko	Individual	Oppose	Written Testimony Only

Comments:

The arts are so important to our culture and well being. I am currently a recording/performing artist who works a lot with Hawaii State art museum. Please don't take away funding! This is so important for our community!

SB-119

Submitted on: 2/13/2023 10:40:49 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, Senators of the Senate Committee on Transportation, Culture and the Arts, and the Senate Committee on Government Operations.

I am opposed SB 119 and am concerned that the bill will redirect 40% of funding and that the State will hold the "whole exclusive copyrights" to video document performance and archive recorded performance that would not be available for public viewing. This needs to be revisited.

Mahalo

SB-119

Submitted on: 2/13/2023 10:53:54 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
John Hagihara	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing to respectfully oppose Senate Bill 119 Relating to the State Foundation on Culture and the Arts.

Arts and Culture are a critical component to a healthy community and the Hawaii State Art Museum is an essential hub for Arts and Culture in our state. This bill would negatively impact the Art Museum as well as several other critical arts programs including Art in Public Places, Artists in the Schools, and Student Art Exhibitions. Instead of limiting opportunities in the Arts for Hawaii's youths, we should be increasing our support of the arts to encourage the creativity of Hawaii's keiki.

Mahalo,

John Hagihara

SB-119

Submitted on: 2/13/2023 11:01:21 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
tlaloc tokuda	Individual	Oppose	Written Testimony Only

Comments:

Aloha TCA/GVO Chairs, Vice Chairs, & Committees,

Do not pass this bill!

SB119 takes away art funds impacting education and the arts copyrights from artists (via videotaping with no rights for artists to reclaim their work!) and SB1119 dissects funds and chops them up to make it sound like it helps the arts but *deletes* the word 'OR *RENOVATION*'. VERY sneaky so that they can build new buildings with our money allocated for arts and education for their gain leaving the arts with NO RENOVATION FUNDS!

S.B. 1119 proposes to reduce Works of Art funding from construction by 50% and eliminate funding from renovation, which would result in an **80% reduction of funding** for the Art in Public Places Program, the Hawaii State Art Museum, Artists in the Schools, and Student Art Exhibitions.

Deletes the word 'or renovation'. This money if not for our benefit but to be able to build NEW buildings and take away arts funding at the same time.

SB119 **redirects 40% of the funding** support from the Art in Public Places Program, the Hawaii State Art Museum, Artists in the Schools, and Student Art Exhibitions.

We need more funding not less. Don't pass this bill.

Mahalo for your consideration,

tlaloc tokuda

Kailua Kona HI 96740

SB-119

Submitted on: 2/13/2023 11:15:23 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Matheis	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. The state should not hold copywrites to performances and funding should not be diverted from k-12 students. This bill would take away important funding that allows many students the ability to experience the arts within their schools. There is hardly any money in the schools for arts education as it stands. This would be truly detrimental to our students.

SB-119

Submitted on: 2/13/2023 11:24:41 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
leimomi bong	Individual	Oppose	Written Testimony Only

Comments:

Arts in Hawaii is in dire need of funding, the exact opposite of what this bill proposes. As an artist and freelance creative, much of the industry takes work from non-local companies to make ends meet. Not only is arts infrastructure not maintained IE museum funding, art in public space funding, positions and roles to keep these programs thriving. But students and young talent often leaves immediately after graduating, because there is no support of the arts in Hawaii. Furthermore, by holding exclusive copyright to intellectual property, you make it impossible for artist to benefit from their original work and creation. Even when a piece is commission by the state for an exhibition, the expertise of the artist can't be quantified and deduced to a one time fee that also includes the acquisition of the copyright to that intellectual property. Not only is this a misuse of power, but puts the most vulnerable artists at risk of losing the freedom to use their original work to make a living. We fund tourism, why not fund the arts? When looking at cities like Singapore, Tokyo, or New York—they support the arts heavily as a soft power for modernizing and cultural enrichment. They do not view artist as slaves. This bill will continue to push talent away from home, and attract the wrong kind of individuals to fill these roles at a massive pay cut IE folks who have cushion and don't rely on their paychecks to cover living expenses. A lot of times, these people aren't from Hawaii. We need to make Hawaii a place that celebrates art more than the military. When Waikiki goes underwater, the photos, video, songs, and memories remain. What did the state carve on the concrete pillars for the rail? Art. The more beautiful the city is, the more cultured our communities are, the more we will attract the right kinds of visitors. There are other ways to make money off of art—restricting budgets and stealing copyright is not the way. As a state we need to explore other options, and ask the community for their constructive input. We can and will find other ways!

SB-119

Submitted on: 2/13/2023 11:40:07 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lila Lee	Individual	Oppose	Written Testimony Only

Comments:

This bill lacks sense as art is meant for everyone. By passing this bill, you will be extremely limiting the arts in Hawai'i as funding is needed & restrict public viewing? This makes no sense. Please, do not pass this bill for the future of Hawai'i. Art impacts the world more than legislatures apparently know.

SB-119

Submitted on: 2/13/2023 11:41:05 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Babcock	Individual	Oppose	Written Testimony Only

Comments:

The Art and Public Places program is a highly important program promoting the culture of Hawaii by supporting artists and preserving important works that shared with the public. Continued support of this program is imperative to continued support of culture and the arts. Over and over again research shows that the inclusion of music and arts as part of the standard curriculum in the school boosts both learning and well-being. Schools - and therefore our keiki - already suffer from inadequate support of the arts in curriculum and have to rely on the meager funding of the Artist in the Schools programs. Cutting this further would be disastrous for our children.

Testimony by Sherman Warner
To the Senate Committee on Transportation and Culture and the Arts
and the Senate Committee on Government Operations
On Senate Bill No. 119
February 14, 2023 Conference Room 224 and Video Conference at 3:05pm

Testimony in opposition to SB119

I am a resident of Hawaii Island and a retired performing arts professional. Since earning a degree in theatre from the University of Hawaii in 1968, I have worked in the professional theatre as a production stage manager, presenter, general manager, and producer in both non-profit and commercial theatre. As a founding partner of one of Broadway's most successful producing companies, I produced and managed two dozen Broadway shows and won four Tony Awards.

In retirement, I have served as a board member, board president and interim artistic director at the Kahilu Theatre in Waimea, and I have served two terms as a commissioner with the Hawaii State Foundation on Culture and the Arts.

SB119 is based on a fundamental misunderstanding of copyright protection and licensing in the performing arts. The requirement that performing arts presenters produce a video recording to be delivered to the Hawaii State Foundation on Culture and the Arts would, when professionals are involved, violate not only copyright laws but also the contractual protections included in the contracts of the unions and guilds that represent playwrights, performers, directors, choreographers, composers, designers and other creative artists.

As a member of labor negotiation committees for the national trade organization representing producers and theatre owners on Broadway and across the country, I've negotiated multi-employer contracts with unions representing playwrights, composers, lyricists, orchestrators, directors, choreographers, and stage designers. A defining issue for the guilds and unions that represent the rights of creative workers in the performing arts is the protection of their intellectual and creative rights and fair compensation for the re-use of their creative work.

In virtually every instance, the performing arts presenters and producers that SB911 intends to support simply don't own the rights to the works that they present — they license limited performance rights — and they do not have a legal right to transfer audio/visual recordings of live performances to the State of Hawaii.

The rights to perform or present copyrighted materials are licensed, not sold. Licensing the right to present live performances does not give the licensee the right to make audio/visual recordings of that performance or to deliver them as works-for-hire to another party.

In my decades of experience, I have never been involved with a production that was a work-for-hire and have never owned copyrights that could be transferred to another entity, as is

proposed in SB119 when it states that the State shall have “whole and exclusive copyrights in the performance and its recordings pursuant to the works made for hire doctrine under federal copyright laws.” That is simply not how copyright protections work in the performing arts.

In most cases, an audio-visual recording of a live performance is a derivative documentation of a work of performance art, not a work of art in itself. If the SFCA exhibited such documentary recordings, it would be like displaying a photograph of a sculpture in the Hawaii State Art Museum or a stuffed animal in the Honolulu Zoo.

As an SFCA commissioner, I treasured the experience of being an advocate for SFCA’s Art in Public Places Program, the first of its kind in the nation. In a state where public school arts education is minimal or non-existent, the APP program provides important access to the visual arts for students as well as enriching the lives of all Hawaii residents. A 40% cut to the visual arts would be a devastating blow to the APP program.

Consistent with my lifetime support of and involvement with the performing arts, I applaud the intent to support the performing arts, but this fundamentally flawed bill is not the way to do it. I strongly oppose any effort to increase support for the performing arts by radically reducing the funding of other arts. Particularly as they struggle to recover from the impact of the pandemic, the performing arts, because they rely on crowds gathering in enclosed spaces, are experiencing a painfully slow recovery from the pandemic and need your support. I am confident that the performing arts community and our elected representatives, working together, can craft creative ways to deliver that desperately needed support.

SB-119

Submitted on: 2/13/2023 12:00:47 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenny Endo	Individual	Oppose	Written Testimony Only

Comments:

This bill is not good for the arts

SB-119

Submitted on: 2/13/2023 12:04:47 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Bodner	Individual	Oppose	Written Testimony Only

Comments:

It would be an embarrassment and a shameful act to reduce the already limited funding for the arts on Hawaii and I strongly oppose SB119.

Not only does public art contribute to cultural and heritage benefits of a community it adds value to its aesthetic and economic vitality. public art contributes to a community's identity, fosters community pride and a sense of belonging, and enhances the quality of life for its residents and visitors. Public art is often used as an educational tool in fostering and inspiring our keiki. Art benefits everyone in so many ways through dialogue, increasing community wellbeing by generating community discussions on social issues.

Rick Mills

2235 Palolo Avenue
Honolulu, Hawaii 96816

Hawaii State Legislature
SB119

2/13/23

Dear honorable members of the Hawaii State Legislature:

I write to you today to object completely to the passage of SB119.

SB119 must not be passed.

Years ago, in 1967, Alfred Preis, a true leader and visionary, led Hawai'i to become the first state in the nation to pass a percent for art bill, and to start the Artists in the Schools program, and the State Foundation on Culture and the Arts. Many states now followed, and have a percent for arts program that have made arts and culture a major source of preserving and celebration our unique history in every region of the country. Are we to wipe this all this away?

I have been fortunate to have participated in projects support by the SFCA, APP, and AIS programs and can tell you honestly and sincerely that the impact to Hawai'i is significant. Students, citizens learn about Hawai'i through these programs and are inspired to learn more about their island home and their unique Ohana of forefathers and a desire to carry this legacy forward.

To lose any part of SFCA funding will undercut their programming and would be a strike a severe blow to the arts and culture of Hawai'i. Just last week I took my class on a tour of UHM campus to show them the Charlot murals, the Bumpei Akaji copper sculptures, and the George Segal bronze sculpture "Chance Meeting" to name only a few that are right here on campus.

Where is the vision in our legislature today? Is our only vision to cut the very programs that have help define our history, our humanity, that have helped preserve our shared cultural legacy? SB119 is not a good bill, it only takes us backwards.

Where is the vision in our elected officials?

Respectfully submitted:



Rick Mills
Professor
Glass Area Chair
808-349-0289c
rmills8189@aol.com

SB-119

Submitted on: 2/13/2023 12:46:16 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Sanchez	Individual	Oppose	Written Testimony Only

Comments:

I do not support

SB-119

Submitted on: 2/13/2023 12:53:59 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenna Macy	Individual	Oppose	Written Testimony Only

Comments:

To Whom it May Concern,

I am in opposition of bill SB119 as redirecting the funding for Art in Public Places would be a serious detriment to the visual artists it supports and the general public which enjoys this collection of works. The Art in Public Places collection is an essential source of culture in Honolulu. Not supporting it's continued growth and circulation would eliminate a source that connects the public to global contemporary conversations in art.

SB-119

Submitted on: 2/13/2023 12:54:51 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Noelle Kahanu	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Noelle Kahanu. I have been involved in Native Hawaiian cultural and art matters for over three decades, as counsel to the US Senate Committee on Indian Affairs in Washington, DC, as a 15 year veteran of the Bishop Museum, as a founding member of Maoli Arts Month, and as a former commissioner at the State Foundation of Culture and the Arts. I am absolutely 100% against this measure, which seeks to misappropriate funds designated for the visual arts in support of the performing arts. Native Hawaiian visual arts has always and continues to be underrepresented. There are the Hōkū awards for music and now even the Grammys. For hula, there is the Merrie Monarch and Prince Lot and countless opportunities to expose literally millions to this art form. But what exists for Native Hawaiian visual artists, who remain the "unseen" of the art scene? Currently, Kanaka ‘Oiwi artists represent less than 3 percent of the entire holdings of the State Foundation on Culture and the Arts. Recent inroads have indicated that the SFCA is willing to take steps to address these inequities, but now comes this measure which will gut any meaningful effort to highlight the amazing achievements of the Native Hawaiian contemporary visual arts movement of the last 50 years. A current exhibition, ‘Ai Pōhaku, recently opened at the University of Hawai‘i Art Gallery. The earliest work, made in 1976 by Rocky Jensen, stands alongside a new painting by Charlie Sinclair, made last year. This exhibition is testament to the incredible and amazing works of our Native Hawaiian arts community over nearly 50 years -- one which almost no one knows about. Rather than take 40% of funding designated for the visual artists (and how was that amount even arrived at?), if it is so important to the proponents of the bil, then ADD that amount to SFCA’s budget, but do NOT take funding meant for the visual arts for another purpose. In other communities, like Anchorage, AK and Santa Fe, NM, Indigenous visual arts are one of the most important drivers of the economy. There, Indigenous artists are celebrated and honored. We have yet to come even close to that, but as we work to achieve parity, it is shocking to think that there are those who would seek to reduce funding for our visual arts community. I know we have much work remaining, but to now pitch visual artists against performing artists is manifestly unjust. And finally, I am not even sure this measure would be supported by those in the performing arts community, especially when they consider that their performances would be predicated on video documentation whereupon the State would hold the "whole and exclusive copyrights." For all these reasons and more, I am absolutely against this measure, as it is written and as it is intended.

A he leo wale no,

Noelle M.K.Y. Kahanu

SB-119

Submitted on: 2/13/2023 1:00:16 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelsea Armstrong	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Honorable Members of the Committees,

My name is Kelsea Armstrong. I am a recent graduate of the University of Hawai‘i at Mānoa from the graduate program at the Political Science Department. I am also a gigging musician and active community member of the art and music scenes here in urban Honolulu.

I am writing in strong opposition to Senate Bill 119 that proposes to redirect 40% of the funding support from the art in public places program, artists in the schools and students' art exhibitions. In addition, SB 119 requires the funding be used to video document performances in which the state will hold the 'whole and exclusive copyrights'. Per the fund parameters, the state would archive recorded performances that would not be available for public viewing.

My opposition comes from both personal investments and political values. As a professional vocalist, I have performed several times with my bandmates at the Hawaii State Art Museum, that has been able to produce arguably one of these most successful entertainment programs for live music in our community in that aftermath of COVID-19. These events are held earlier in the evening, outdoors, spotlight local vendors, and free. All of these things together make it an especially inclusive event for our community while doing the important work of revitalizing an interest and market for culturally significant art traditions in Hawai'i. Of these include Native Hawaiian language, music, poetry, and jazz.

Another event I recently played at was sponsored by the city and county of Honolulu for the grand opening of Dr. Sun Yat-sen park. Mayor Rick Blangiardi was in attendance and delivered a speech to my audience at a night of "Jazz in the Park" in Chinatown. Without these kinds of sponsorships, free shows like this would not be possible in our community, and our musicians would not be properly compensated for their phenomenal work.

The value of maintaining these programs as we rebuild our art community from the ground up where free and accessible art program events serve as an educational site of cultural revitalization in a place like Hawai'i that holds a dark history of state-sanctioned bans on Indigenous arts traditions speaks for itself. It is crucial to the longevity of these traditions beyond art and music, but in preserving the communal identity of a place like Honolulu that is rich with historical varieties that should be known and celebrated.

Mahalo,

Kelsea Armstrong

SB-119

Submitted on: 2/13/2023 1:14:32 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Hadley Nunes	Individual	Oppose	Written Testimony Only

Comments:

As a professional artist and community organizer who has been working in Hawaii since 2012, I have seen first hand how State funded projects have benefitted both artists and the community at large. Given our geographical location, the arts in Hawaii are already at a disadvantage because unlike other areas where access to funding can be cultivated across a much broader pool of philanthropy, Hawaii often remains isolated and artists rely on fewer opportunities as it is to survive artistically as well as financially. Like any other professions, those working in the arts excel and develop professionally through the opportunities they have to demonstrate larger vision and expand the audiences who benefit from their art. I have watched Jerry Vasconcellos soar to new heights through his state funded projects, Kahi Ching and others who I know and admire have reached new levels of artistic excellence due to the opportunity to work on larger scales and touch more people through their state funded projects. Not to mention the many other projects and commissions that have enriched our communities and keiki thanks to State funding. I began teaching at UHM this fall as a lecturer in the Art Department. I feel deeply compelled to speak on behalf of students in our state education system who dream of making a difference in our State through the arts, they deserve better than even what we can now offer them. To reduce funding and allocate those funds towards performance documentation that would then be owned by the state feels to be both a step backwards as well as a questionable approach with regards to intellectual property rights for the creators of said performances. As funds are reduced and then redistributed to methods of documentation that strip the rights of creators to their own work is a shocking proposal. In these times students and communities need more outlets to inspire and bring about the kind of collective hope and thoughtfulness we need to tackle some of the biggest challenges our state and planet faces in the years to come. Art has always been a beacon of light and offers society ways to think more broadly about our cultures, the environment and dreams for the future. Please reconsider this cut and reallocation of funds in the State funded arts budget. Thank you, Hadley Nunes

SB-119

Submitted on: 2/13/2023 1:19:54 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
maya portner	Individual	Oppose	Written Testimony Only

Comments:

To Whom it May Concern,

I am writing to strongly oppose this bill which would redirect 40% of funding support from the of funding from Art in Public Places Program, the Hawaii State Art Museum, Artist in the Schools and Student Art Exhibitions, to instead be used to video document performances, to be archived and not avialable for pubilc viewing.

I am a visual artist and arts educator in Honolulu. I have first-hand experience with many of these programs that would be affected.

1) I have regularly taken my college students to visit the Hawaii State Art Museum to view the collection of art that is own by us the taxpayers. Hisam is a gem of Honolulu, and a source of great pride to me, as evidence of the degree to which our society values Visual Arts.

2) My artwork has been collected by the SFCA for the Art in Public Places Program, and this purchase provided me with validation and encouragement that my artistic endeavors are meaningful to Hawaii, and have a connection to the community through its acquisition to the state's collection.

3) I have volunteered my time to review application to the Artist In the Schools program, and understand what a truly vital role this program plays in bringing visual arts education to the children of Hawaii who are educated in our public school system.

Reduction of funding by over 75% is unthinkable, and would have such a devastating effect on visual arts culture in Hawaii.

I would urge my lawmakers to reconsider this bill. Visual Arts have a vital place in our society and they require protection in this moment.

Thank you,

Maya Portner

SB-119

Submitted on: 2/13/2023 1:28:05 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Oppegaard	Individual	Oppose	Written Testimony Only

Comments:

Instead of pitting artists against each other for the same small piece of funding, like this bill does, how about expanding the Percent for Art program to 2 percent, and give 1 percent to visual artists, and 1 percent to performing artists; Hawaii has been a national leader in arts funding and even created the first Percent for Art program (in 1967, <https://sfca.hawaii.gov/art-in-public-places-program/percent-for-art/>, national leadership that now includes 350 agencies in 28 states, https://nasaa-arts.org/nasaa_research/state-percent-art-programs/). That's a legacy that should make everyone proud, and it's also a reason Hawaii has so much public art, which benefits everyone. The state should continue to be a leader, and the time is now to express that leadership. Our state needs more art, in all forms, visual and performing. The state has money now to spend on all sorts of other priorities. So how about making art a priority, to beautify our cities and bring more thoughtful aesthetics to our islands. Public art is often the only chance for most people to experience professional art, via professional artists. Our art is how we share culture, build culture, and express culture. It's also how we will be remembered. This is the time to expand the Percent for Art program, not slice it up. This bill should be amended to increase the Percent for Art to 2 percent and share it with more artists.

SB-119

Submitted on: 2/13/2023 1:52:26 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Lee	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Chairman and Members of the Hawai‘i State Legislature Senate Committee,

I am writing to submit my opposition of Senate Bill 119 relating to the State Foundation on Culture and the Arts (SFCA); Performing Arts; Works of Art Special Fund, which would allow the Works of Art Special Fund to be used for performing arts, under certain conditions; provides that forty per cent of the Works of Art Special Fund be used for performing arts; defines performing arts.

It is widely recognized the impact that art can have:

- Just 45 minutes of creative activity, or even looking at art, boosts our brain function and immune system and has a positive effect on mental health. (Journal of the American Art Therapy Association)
- Music positively affects a child’s ability to focus, and helps the aging brain to remember. (National Institute of Health)
- Children from low-income families who participate in the arts are more likely to earn a degree. (Arts Council of England/Evidence Review)

In seeing the intrinsic value that the arts bring to our Islands, including developing human potential, building empathy, encouraging individual identity and empowerment, and bridging divides between communities, the vast work of the State Foundation for Culture and the Arts is so important to the city’s overall vitality and the well-being of its people.

As such, I believe it would be detrimental to carve out specific stipulations within SFCA, rather than allowing flexibility to address evolving needs and times.

I hope that you will vote to oppose Senate Bill 119 relating to the State Foundation on Culture and the Arts (SFCA); Performing Arts; Works of Art Special Fund.

Kind regards,

Monica Lee

SB-119

Submitted on: 2/13/2023 1:54:42 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jaimey Faris	Individual	Oppose	Written Testimony Only

Comments:

RE: **SB1119** RELATING TO THE WORKS OF ART SPECIAL FUND; **SB119** RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS.

I am writing to OPPOSE these two bills, as they would fundamentally strip the visual arts community in Hawai‘i of vital support.

I keep this testimony short, but the sentiment is backed by my almost two decades of experience as an arts educator in the UH system, arts organizer and a member of the SFCA acquisitions committee. During that time, I have witnessed how important these funds are to the entire population of Hawai‘i – from keiki learning to engage their environmental and creative/critical senses, to practicing artists trying to maintain important cultural heritages that would be lost without the support of SFCA’s acquisitions funds.

The 1% funds have had more impact on supporting generations of artists than ALL OTHER patrons in the history of Hawaii COMBINED. Without SFCA’s role in supporting artists through commissions and purchases, artists in the state of Hawai‘i would lose their most important patron.

I also write to relay the important kuleana the state and developers have in continuing to support arts and culture in Hawai‘i. What would Hawai‘i be without its vibrant cultural heritages? Painting, weaving, carving, kapa, etc. If the state continues to grow urban and tourist infrastructure WITHOUT also supporting the arts, the islands will become a cultural corrupt. It is the state's responsibility to give back to the historical cultures of its populations, ESPECIALLY if it continues to mine and market them for the sake of tourism.

Beyond the importance of the Works of Arts Special Fund, I also want to defend the use of these funds in K-12 education. SFCA plays a vital role in the creative visual arts education of the children of Hawai‘i. It needs MORE, not LESS funding!

Jaimey Hamilton Faris

SB-119

Submitted on: 2/13/2023 2:10:02 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Joy Sanchez	Individual	Oppose	Written Testimony Only

Comments:

My name is Joy Sanchez, I am a visual artist and professional from the island of O’ahu and I oppose SB119. As a young artist born and raised on this island I have seen the state’s public collection come and go throughout the museum. As I grew older I began to recognize the names of artists I have grown to admire over the years on display in other places around the state as well. Now as a young adult with my first work purchased by the Art in Public Places Program, I wonder if it will be the last.

SB119 aims to redirect 40% of funding support from the Art in Public Places program, Artists in Schools, Student Art Exhibitions and the Hawaii State Art Museums. While I see the value of the performing arts, it should not be at the expense of other arts and arts programs. Surely there must be another solution.

Furthermore, SB119 states, “The state has whole and exclusive copyrights in the performance and its recordings pursuant to the work for hire doctrine under federal copyright laws.” It is unrealistic for the state to take whole ownership of an artist's performance and recording. While I understand the intention to protect and preserve the spoken and performed medium, performing arts in itself exists in the ephemeral, to claim it would be like claiming to catch lighting in a bottle.

If the legislature finds that “the mission of the state foundation of culture and the arts is to promote, perpetuate, preserve and encourage culture and the arts”, then the solution would not be to dilute the states art funding further but to increase it wholly to have a separate amount to be appropriated in support of performing arts.

I urge you to think about the future of young artists like me and our Keiki who benefit from the programs that the State Foundation of Culture of Art provides. I ask you to consider other

solutions, besides the redirections of funds, such a separate appropriation of funds to support the performing arts of Hawai'i. Thank you for your time and consideration.

SB-119

Submitted on: 2/13/2023 2:30:16 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Benjamin Rotter	Individual	Oppose	Written Testimony Only

Comments:

The transient and fleeting nature of performance art can not supplant the need for durable long duration art. If additional resources for performance is required, as would likely be desirable, it should be allocated newly by itself and not by stealing from a fund meant to create and display public art. This bill will diminish the quality and beauty of public buildings in the state in order to trade it for short term performances which will then be locked away with a perpetual copyright retained by the state. The purpose of the public arts funding is to promote culture and improve the beauty of government construction, and hurting it will make the state of Hawaii a worse place for residents and visitors. I strongly oppose this bill.

SB-119

Submitted on: 2/13/2023 2:37:26 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kai	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-119

Submitted on: 2/13/2023 2:42:26 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne ('Antu') Harvey	Individual	Oppose	Written Testimony Only

Comments:

Aloha TCA Chair Lee and Committee Members,

I OPPOSE SB119.

This bill amends HRS Chapter 103.8.5 - Works of Art Special Art Fund. It adds a new category 'Performance Arts'. But, then it

- Carves out a **fixed 40%** of the allocations to these Performance Arts

>A fixed allocation is overly constraining and doesn't belong in the HRS.

>and 40% allocation for a new category at the expense of the existing types of 'Works of Art' is extreme. Especially considering that the only persistent artifact from Performance Arts would be the recordings.

I live on the island of Hawai'i and while I love the idea of being able to access recordings of Performance Arts, as they do not require us to visit a fixed location, often on another island - I find that discovering artworks 'in situ' as an integral part of our public landscape as far more valuable to experiencing Wahi Pana and believe that is important for our community.

Please OPPOSE SB119.

Mahalo nui loa for your dedication and service.

Anne ('Antu') Harvey

96725

SB-119

Submitted on: 2/13/2023 2:50:47 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Fae Yamaguchi	Individual	Oppose	Written Testimony Only

Comments:

I have been teaching children art in Hawaii for the past 30+years. I have participated in Artists in the School and taught at various public schools on Oahu, been a tour guide and teaching artist in the Art Bento Program facilitated through HiSAM, and have participated as a juror for the Student Art Exhibition.

These programs touch and change the lives of children in Hawaii. It also affects their parents and family who come to HiSAM. I am against this bill that will take away so much good for the children and replace it with a project that will only be seen by a state office.

SB-119

Submitted on: 2/13/2023 2:51:22 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Chock	Individual	Oppose	Written Testimony Only

Comments:

To Whom It May Concern in the Hawai'i State Legislature Regarding SB119/SB1119, etc.

Forgive me if I sound frustrated that funding of the arts needs to be defended yet again, but after nearly fifty years of doing so I find that little has changed. There are always lawmakers or administrators or even teachers who do not believe that the arts are important enough to be a priority in our lives, and are all too willing to reduce the already miniscule spending in this area, or even to eliminate it entirely.

Perhaps too many have not yet studied the role and value of art in societies throughout history, and are not aware that all great cultures have great art. If you are a community leader it is your duty to learn why the arts are so valuable and support them. A community that knows the arts appreciates the arts, benefits from the arts, learns life lessons from the arts, even finds ways to provide a living in the arts. Many find hope and joy in the arts when there seems to be no hope at all.

I see hopeful signs that native Hawaiian culture and arts are being revived and appreciated after decades of Hawaiian Renaissance, protests, rallies, lawsuits, and, now, examples of how art was important to everyday life are being rediscovered. This integration of the arts in all aspects of life is a great example for us now, and should continue and grow. But even that understanding seems to be compartmentalized and marginalized, and is not being applied to the society as a whole—and that goes against the basic philosophy and value of art nurturing all our lives.

Sadly, while art has to prove itself over and over just to be recognized, the lobbies for over-building on this limited 'aina, or for those who degrade the host Hawaiian culture,

or for any number of other important issues do not. Why is that? Does everyone need constant reminders of the value of art or are we just settling for less now? Our landmark 1% for art legislation has been a model nationwide! Are we no longer to be a progressive community?

Is it just too late to defend the idea of high standards, of a lifestyle where people have a sense of culture which not only includes various art forms, but knows in its heart that without the arts the lives of the people will descend to the lowest, crass, social media level of existence that now permeates every aspect of our lives? Let's be great again!

Can everyone stop using their phones for entertainment for a while, and instead do some serious research on the different ways arts are correlated to any number of good things, like the now old cliché of how music helps students improve their math skills, or correlates with higher test scores or grades, or how art or poetry therapy can help survivors of domestic violence, rape, bullying, PTSD, and all manner of grief? Children who can barely write can draw or paint a picture of their family, of who is missing from their home. Art is not only for the artistic elite; it's for everyone. Have you never found comfort in a favorite song that enabled you to get through a rough patch? Maybe your mother's or father's favorite, and after they've gone you honor them, keep them alive, in your life, that way.

Has no one found intellectual stimulation in a complex character in a story with a good plot? Do we need to review critical thinking versus passive screen time? I suppose it's too much to expect anyone to maintain a focus on how life lessons are not only conveyed in thematic messages, but also how cultural values that define who we are as an ethical people are actually preserved in the arts. Like religion. Like the poetry of the Psalms of David, the Song of Solomon, or the cross-referencing story variations of New Testament authors, or parables of the Buddha, or even mo'olelo 'aina, which integrates the literary with the music with the dance with the drama that only live performance can truly provide?

How do you teach your children their human sensibilities and values?

How do you learn to evolve your adult sensibilities?

How does a culture thrive without constantly nurturing art?

How does a community support art if not without public funding?

There is so much we take for granted, and we are the lesser for it.

And this barely speaks to the aesthetics of beauty in our lives!

I am trying to be more positive, but do we really need to debate

the value of cultivating Beauty, with a capital B, in our lives?

I really do not want to offend anyone or insult anyone's intelligence, but policies directing funding away from the arts as a whole are nothing new. There are always factions who want arts funding directed toward developers, contractors in construction or defense or any other industry that can afford lobbyists, anything else that pays way more than is allotted to arts programming; and each time the burden is placed on the arts community to defend its very existence, the paltry crumbs thrown its way. Is all the art in our lives not worth even 1%? For this we have to beg?

I hope to write words that have purpose and impact and actual effect. I hope to reach the souls, if not the minds, of those in seats of power today, as I have for decades as an arts practitioner,

educator, arts administrator, arts advocate, as a community activist who feels that fighting a losing battle is better than never fighting at all.

So I try to have faith once again that some people who are paid money by non-art sources will find it in themselves to do what is right, what is *pono*, and will not need any more testimony to explain to them that a basic human characteristic—to make and appreciate art—to use art as a tool like any other human tool—to nurture life—is not something that should have to be fought for in legal arenas. Rather, it is something that should be assumed is a human right so that all people can have equal access to self-expression, theirs and others, in a living, breathing (inspired, *ha!*) interactive, artistic form, preferably non-digital. And the role of our government should include full support of the nurturing functions of art: educational, entertainment, therapeutic, aesthetic.

Perhaps I misunderstand the bills, but it sounds like some arts programs will be cut in half, and then redirected, which means some good programs will be limited or eliminated. The thought that arts education in schools, already less than it was decades ago, would be cut even further-- Why do that? Doesn't everyone know that all education starts early and that the later it starts the harder it is for people to succeed? There should be more funding for the arts, not less, not so-called "redirected" funds cannibalizing one art program for another.

I know it's difficult. It's politics. The art of compromise. So let us find a reasonable compromise which supports Art instead of making it feel ashamed to have to defend its honor yet again. Is there no leadership to stand up for Art? We the people elected politicians who formed committees on important subjects. Art used to be among them, on its own, not in a forced marriage in a committee shared with International Affairs or Transportation. *Auwe*. Is this *pono*?

Where you going? Where does your road lead? What is your destination?

Do you look down that road and see a good place or just another urban desert?

Do you as a leader of this island culture plan ahead for your children's children?

Please do not give in to voices that you know put their self-interest ahead of others.

While that is necessary sometimes, as an ethical political leader you cannot do that and still do a good job. Please do an ethical job for the greater good.

Generations are counting on you for that.

So next time you find yourself standing among your fellow legislators, holding their hands and singing *Hawai'i Aloha*, think of how complicated aloha is, feel it in your bones, your iwi, your iwi kupuna, way back and way forward, and know that your actions must be *pono* for where you

live now. Wherever you were born. Whoever you are. Please ask yourself, are you doing what is *pono*? *Ua mau ke ea i ka 'aina i ka pono.*

Mahalo.

Eric Chock

Unaffiliated

SB-119

Submitted on: 2/13/2023 2:52:01 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Tengan	Individual	Oppose	Written Testimony Only

Comments:

Aloha mai,

As a arts advocate, tax payer, and a citizen of the State of Hawai‘i, I fully oppose this bill which would cut 40% of the funding support from the Art in Public Places Program, the Hawaii State Art Museum, Artists in the Schools, and Student Art Exhibitions.

I have dedicated much of the last decade of my professional life to furthering the visual arts in Hawai‘i and I have noticed that funding for the arts is constantly on the chopping block, especially with the state's ongoing economic woes, arising from COVID-19. However, cutting 40% funding from artists and cultural practitioners are underfunded, further marginalizes those in need, and is not the answer.

The State Foundation for Culture and the Arts has never been more important to our State and to our community. Its programs, which promote, perpetuate, and preserve culture and the arts in Hawaii, ensure that the arts remain a vital part of our lives and our community. The Foundation keeps art relevant and, most importantly, public. This is increasingly important as other sources of funding for the arts, including private donations, continue to shrink.

Please stand with our artists and creatives from across Hawai‘i and oppose this bill

Mahalo nui,

Josh Tengan

SB-119

Submitted on: 2/13/2023 2:53:51 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosina Potter	Individual	Oppose	Written Testimony Only

Comments:

We must not take away funding for SFCA that perpetuates the arts and culture of Hawaii. Through their grantmaking, programs and arts education, SFCA currently provides support and access to a wide spectrum of disciplines and practices.

To determine a certain percentage of the existing funding must be focused on a particular category would only be a detriment to the arts ecosystem.

I understand the financial constraints faced by the state, but an investment in the arts is an investment in the cultural and economic well-being of our communities.

I urge the committee to consider a separate, proportional appropriation to support the performing arts in Hawai'i, either through an amendment to this bill or through another means of appropriation, so that the arts can expand and thrive. Thank you for your consideration.

SB-119

Submitted on: 2/13/2023 2:54:13 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alex Young	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose SB119.

While I am not certain of the effect this will have on the new direction of the funds, it is predictable that current programs and projects that are currently building and showing face in a (recently) resurfaced community post-lockdown will be negatively affected. Art builds connection through intentional interaction, and accessibility is important. Removing resources to build accessibility and opportunity will only then take away a community's opportunity to experience, learn, and continue to build art in our culture that vitally needs it.

SB-119

Submitted on: 2/13/2023 2:00:07 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Chizuko Endo	Individual	Comments	Written Testimony Only

Comments:

I have been an Artistic Teaching Partner with Artists in the Schools for over 10 years and see the value of the Art in Public Places and Artists in the Schools programming. Already arts programs in the public schools is lacking. The above two-mentioned programs inspire imaginations and critical thinking, and provide creative outlets so necessary for the whole individual. I highly recommend that the 40% of funding support currently being allocated for the arts programs REMAIN IN PLACE. Additionally, SB119 requires the funding be used for video documentation which strips the artists from their rights to intellectual property. I do NOT support the passage of SB119

SB-119

Submitted on: 2/13/2023 9:10:22 AM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
John Meyer	Individual	Comments	Written Testimony Only

Comments:

Dear Esteamed Legislators,

I write today to urge careful consideration of SB 119. While promoting the arts is an ever worthwhile endeavour, However, my reading of SB 119 leads me to believe that the very valuable Artists in Schools initiative would actually lose funding in order to promote funding for performing arts.

This would be a classic case of "Robbing Peter to pay Paul". I had the good fortune to host a Artist in Schools art educator, Maggie Sutrov, in my 5th grade classroom at Kihei Charter School in Maui. Through the course of the program, "Ms. Maggie" not only helped students develop confidence in their artistic expression and technical skills, she helped connect them to the endemic species of Hawaii.

Over 10 weeks, this partnership developed a deeper sense of respect for endemic species through art. Students learned more about their selected art topic (one of our endemic species) and the ecology concepts we were learning in science class took on a deeper meaning for the approximately 50 5th graders we worked with. Ms. Sutrov also worked with two 4th grade classes on campus and we furthered our learning and connections to our precious ecosystems with an educational site visit to Hawaiian Islands Land Trust's site, the Waihe'e Refuge.

Artists in Schools was an outstandingly effective initiative as demonstrated at our school. Its funding should be preserved as it connected young hearts and minds to precious 'Aina. As residents of Hawaii, we can take proud in the Artists in Schools program. We should continue to fund this effective, important program.

Sincerly,

John Meyer

Kihei, HI

LATE

SB-119

Submitted on: 2/13/2023 3:07:33 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
wayne zebzda	Individual	Oppose	Written Testimony Only

Comments:

art programs that enrich our schools like the art in public places program visiting artist program should be increased not chopped in half. students perform better in al fields when taught to think creatively.

LATE

SB-119

Submitted on: 2/13/2023 3:08:02 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynda Hess	Individual	Oppose	Written Testimony Only

Comments:

This bill makes no sense. To not only channel funding away from artists of all ages in Hawaii, but to dedicate funds to requiring artists to give up copyright for their work and have the result kept from public viewing is antithetical to government funding goals.

SB-119

Submitted on: 2/13/2023 3:08:59 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Valerie Y O Kim	Individual	Oppose	Written Testimony Only

Comments:

Even as the performing Arts is a significant aspect of culture here, it is one of many in the richness that is art and culture in Hawaii. SB119 diverts 40% of the percent for art funds to the performing arts and also includes an unworkable requirement that all performing arts that receive Art in Public Places funds will give a video to the State and transfer copyright ownership to the State. This is an unbearable burden for the artists and the arts community.

LATE

SB-119

Submitted on: 2/13/2023 3:14:15 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
marisa buhr	Individual	Oppose	Written Testimony Only

Comments:

Arts is so important to Hawai'i and serves a very vulnerable part of our community. We need the art community and funding associated with it to keep the blood of our stories pumping. this is an extremely important part of community and life in Hawaii that would be incredibly difficult to keep and uphold without proper funding.

LATE

SB-119

Submitted on: 2/13/2023 3:15:37 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
M Schwengel	Individual	Oppose	Written Testimony Only

Comments:

This testimony is in opposition to SB119. Please do NOT redirect funding support away from the Art in Public Places Program, Artists in the Schools program, and Student Art exhibitions. These offerings are extremely meaningful for an enormous segment of our population. The reduction of art curricula in DOE/public school systems means the Artists in the School program is even more needed. The Student Art exhibitions are a tangible way to honor talent and achievement at a critical stage of young peoples' development. The acknowledgements can drive even more creativity in a discipline which is too often neglected from school budgets. Don't let our students down.

The bill's parameters to redirect moneys to video documentation – making recordings to be archived yet unavailable for creators's edits or public viewing – are in direct conflict with the public nature and good will of the programs. That these recordings are proposed to strip the creators of their copyrights is dubious. This is a time when artists and creatives are having to fight harder than ever to maintain their rights and creative control over their works. Don't let this oppressive bill be yet another burden to artists and creatives in Hawai'i, stripping future generations of artful living.

LATE

SB-119

Submitted on: 2/13/2023 4:08:22 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Angel Prince	Testifying for Prince Dance Company	Oppose	Written Testimony Only

Comments:

Our non profit organization has been a part of the Artists in the Schools program for almost a decade now. We have served over ten different Big Island schools and brought the arts to over 1000 students who would not have access to any performing art education. Without the funding directed to this and other vital programs like Art in Public Places Program, the Hawaii State Art Museum, and Student Art Exhibitions many children and adults will lose access to the arts. We know how important the arts are to a healthy, connected, and thriving community. This bill proposes to cut 40% of the funding which would be devitating to the vitality of these programs, espeically on neighboring islands which recieve very little arts funding already. Please do not pass bill SB119.

LATE

SB-119

Submitted on: 2/13/2023 4:11:29 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Hatem Askar	Individual	Oppose	Written Testimony Only

Comments:

Please keep the support to the artists of hawaii ! If this bill passed, it will kill alot of opportunities for the local artists to show up their art to the local community which can be also an opportunity for them to shine outside the local boundaries. Mahalo!

LATE

SB-119

Submitted on: 2/13/2023 5:08:55 PM

Testimony for TCA on 2/14/2023 3:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Joy Ray	Individual	Oppose	Written Testimony Only

Comments:

Aloha, as an artist living on Hawaii island, I am very concerned about the proposed changes to arts funding. These measures would dramatically cut state support for visual arts in Hawaii. Furthermore the copyright provision is not reasonable and will discourage artists from participating in state funded initiatives. I believe that the visual arts play an important role in this state and I request that the legislature continue to support visual artists and reject these proposed changes. Mahalo for your consideration.

SB-119

Submitted on: 2/14/2023 12:31:52 PM

Testimony for TCA on 2/14/2023 3:05:00 PM



Submitted By	Organization	Testifier Position	Testify
Dave Moss	Individual	Support	In Person

Comments:

My name is Dave Moss and I am privileged to serve our community as the President and CEO of your Hawai'i Symphony Orchestra. I would like to express my enthusiastic support for the bill allowing for the Works of Art Special Fund to be used for performing arts, providing that forty percent of the special fund be allocated for the performing arts. I'd like to give you two thoughts for your upcoming discussion:

First, A statistic provided by the Americans for the Arts; Arts and Culture generate tax revenue far beyond any other government investment, and in recent history, the arts constitute a bigger share of America's GDP than construction or agriculture. And on average, for every dollar invested into the nonprofit performing arts, six dollars in taxes are generated. How you may ask? Well, dinner and a show go hand in hand. Attendance at arts events generate income for local business, restaurants parking garages, hotels, retail stores, etc, resulting in an average of \$24.60 per person, per event.

Second, Over the past three years, the federal government has invested in performing arts organizations in a way unseen in the history of our state and county. As a result, our Symphony received over \$1.2 Million of unrestricted funding that we put to use for our community. With no strings attached, we kept over 100 employees paid throughout the pandemic, and un-reliant of ticket sales, reached over 140,000 households throughout Hawai'i with free performances streamed through Hawaii News Now, and offered over 40 free performances throughout Hawai'i.

This type of funding for the performing arts is essential to make arts accessible for all, and to stimulate the sustainable growth of our local economy.