



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 AND CULTURE AND THE
ARTS**

February 14, 2023 Conference Room 224 & Videoconference at 3:15PM

**S.B. 1120
RELATING TO THE WORKS OF ART SPECIAL FUND**

Chair Lee and members of the Committee, the State Foundation on Culture and the Arts (SFCA), is pleased to offer **COMMENTS** relating to S.B. 1120. S.B. 1120 provides opportunities for the counties and private organizations located in Hawaii to display art through loan arrangements with the State Foundation on Culture and the Arts under the Arts in Public Places Program. Provides that artists who reside in Hawaii receive selection preference for the Arts in Public Places Program.

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. The statewide program operations include acquisition and distribution of works of art, conservation of an exterior public art collection, interpretation of the collection (including the operations of the Hawaii State Art Museum and applicable portions of the Artists in the Schools program) and recognition of student artwork.

Overall, the requirements in S.B. 1120 are being implemented under the current statutes.

Line 5 (4) Provide opportunities for the counties and private organizations located in the State to display the art through loan arrangements with the foundation."

SFCA Collections Management Policy provides for loans to county and public institutions.

8.3 Loans to Non-State Facilities

Works of art may be loaned to museums and other public institutions if a significant public purpose is served, and when adequate security is provided. In addition to completing APP's non-state loan agreement form, the borrowing institution must provide a completed Standard Facilities Report describing the facility and environment in which the artwork will be placed. The terms and conditions of the loan are listed on the back of the loan agreement. Once the loan is approved, the borrower must provide a certificate of insurance listing all works of art on loan from the APP Collection. Copies of all loan agreements are maintained in the SFCA office.

S.B.1120 may negatively impact the private art market by providing works of art for private entities at no cost when those businesses would otherwise support the art industry with private investment.

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While we recognize the intent behind S.B.1120 **provides that artists residing in Hawaii shall receive a selection preference,** the requirements in S.B. 1120 complicate and limit funding and support for Hawaii artists. SFCA Calls for artists and artwork use a definition that prioritizes Hawai'i artists. Hawai'i Artist: *An artist who was born and/or educated in Hawai'i, regardless of whether he/she currently resides in Hawai'i or elsewhere; obtained a major part of his or her artistic training and development in Hawai'i; is a Hawai'i resident; or has made a significant impact in Hawai'i through exhibitions, installations and/or commissions.*

Under S.B.1120, a Native Hawaiian Artist who is not "residing in Hawaii" would not receive a selection preference. In addition to prioritizing artists "*residing in Hawaii,*" The State Foundation on Culture and the Arts (SFCA) has a long history of supporting Native Hawaiian cultural practitioners and artists. For a detailed report relating to expenditures for the curation and preservation of Native Hawaiian art [click this link.](#)

SECTION 3. (a) The state foundation on culture and the arts shall conduct an inventory on the current display under the arts in public places program.

SFCA regularly conducts inventory and will report as requested.

SFCA supports the intent of the measure making "the arts" more publicly accessible provided it does not violate state or federal laws.

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