

STAND. COM. REP. NO. 791

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1120
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 1120, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE WORKS OF ART SPECIAL FUND,"

begs leave to report as follows:

The purpose and intent of this measure is to facilitate the display of art in public places.

Specifically, the measure:

- (1) Requires the State Art Museum to provide opportunities for the counties and private organizations located in the State to display art through loan arrangements with the State Foundation on Culture and the Arts; provided that certain loan arrangements may be subject to a fee determined by the Foundation;
- (2) Provides that in the acquisition of art funded through the works of art special fund, artists residing in the State shall receive a selection preference; and
- (3) Requires the State Foundation on Culture and the Arts to submit to the Legislature an inventory report on works of art under the art in public places program.



Your Committee received written comments on this measure from the State Foundation on Culture and the Arts.

Your Committee finds that the display of art in public places is an educational experience. Your Committee believes that an art loan program, as proposed by this measure, may increase the prevalence of publicly-displayed art and help the promotion of art.

Your Committee notes that article III, section 14, of the Constitution of the State of Hawaii provides that each law shall embrace but one subject, which shall be expressed in its title. Thus, the scope of the title cannot be narrower than the scope of the subject matter of the bill. The title of the measure is "A Bill for an Act Relating to the Works of Art Special Fund." However, sections 1 and 3 of the measure do not specifically address the special fund. Your Committee also notes that the measure's preference for artists who are state residents may face questions about its constitutionality. Accordingly, your Committee respectfully suggests that the bill's proponents may wish to contact the Attorney General, or the Senate Majority Attorney, as appropriate, to determine if the foregoing issues pose constitutional problems.

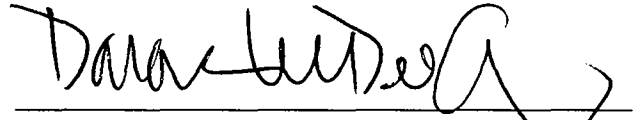
Your Committee has amended this measure by:

- (1) Providing that fees collected pursuant to certain loan arrangements authorized by the measure shall be deposited into the works of art special fund; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1120, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1120, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,




DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB1120 SD1	Committee Referral: TCA, WAM	Date: 8/28/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes