

STAND. COM. REP. NO. 197

Honolulu, Hawaii

FEB 12 2021

RE: S.B. No. 696  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 696 entitled:

"A BILL FOR AN ACT RELATING TO THE FESTIVAL OF PACIFIC ARTS,"

begs leave to report as follows:

The purpose and intent of this measure is to extend the date on which the Temporary Commission on the Thirteenth Festival of Pacific Arts shall cease to exist to August 31, 2025, and permits the Commission members to discuss matters relating to official board business without regard to chapter 92, Hawaii Revised Statutes, to enable them to perform their duties faithfully.

Your Committee received testimony in support of this measure from Department of Business, Economic Development, and Tourism; Hawai'i Tourism Authority; and one individual. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the Festival of Pacific Arts and Culture has been held approximately every four years since its founding in 1972, bringing together a delegation of at least two thousand five hundred artists, performers, and cultural practitioners from twenty-seven nations in Oceania to preserve, perpetuate, and exchange the arts and cultures of their indigenous peoples. Visitors from around the world attend the festival to experience and appreciate what the artists, performers, cultural



practitioners, and host country bring to share, thereby creating a global market for arts, ideas, and products.

Additionally, the Legislature finds that Act 104, Session Laws of Hawaii 2017, created the temporary Commission on the Thirteenth Festival of Pacific Arts to plan the Festival of Pacific Arts originally scheduled to be held in Hawaii in June 2020. Due to the outbreak of the coronavirus disease 2019 (COVID-19), the Pacific Community, the international custodian of the festival, notified the State that it is postponing the Festival to 2024. Therefore, the temporary Commission, which was to cease to exist on June 30, 2021, must be extended to fulfill its duties to plan the Thirteenth Festival of Pacific Arts in 2024.

Your Committee has heard the concerns of the Office of Information Practices that this measure would propose an exemption of chapter 92, Hawaii Revised Statutes. To carry-out and coordinate these responsibilities of the Commission to ensure a successful festival, occasionally more than a quorum of the Commission members must be able to communicate expeditiously and outside of the confines of chapter 92, Hawaii Revised Statutes. At the same time, the Legislature finds that the Commission is committed to fulfilling the policy and intent of chapter 92, Hawaii Revised Statutes, including by holding regularly scheduled open meetings and posting notices and minutes. The Office of Information Practices recommended in its testimony that your Committee should tailor a permitted interaction to be consistent with chapter 92, Hawaii Revised Statutes, to meet this intent.

Your Committee has amended this measure by:

- (1) Permitting less than a quorum of commission members to discuss matters relating to official board business outside a commission meeting as a permitted interaction under part I of chapter 92, Hawaii Revised Statutes, to enable them to perform their duties faithfully, provided that the Commission holds a meeting at least once a month and discusses the permitted interaction matter at the next meeting; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 696, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 696, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,




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MAILE S.L. SHIMABUKURO, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 696	HWN, JDC	2/9/2021		
<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
SHIMABUKURO, Maile S.L. (C)	X			
KEOHOKALOLE, Jarrett (VC)	X			
ACASIO, Laura	X			
IHARA, Jr., Les	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>5</b>			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes