

ACT 103

S.B. NO. 696

A Bill for an Act Relating to the Festival of Pacific Arts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. 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 thirteenth festival of pacific arts and culture 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 of its intent to postpone 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 and culture in 2024.

The legislature further finds that although previous festivals have had a contractor to carry out the hands-on details of planning a festival, there is currently no contractor to fill this role. To ensure a successful festival, the commission members themselves have had to carry out the responsibilities of planning several components of the festival in a hands-on manner, including fundraising, communicating with the foreign delegations, scheduling events, organizing volunteers, and securing housing, transportation, meals, security, and medical services. To carry out and coordinate these responsibilities between the scheduled meetings, smaller groups of 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 commission has been holding its meetings every two weeks and is committed to continuing to regularly meet on that schedule. Thus, the legislature finds that a permitted interaction allowing groups of less than a quorum of commission members to work on commission business between its regular meetings, while still requiring the commission to hold those meetings subject to the Sunshine Law, will balance the public interest in access to government decision-making

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under the Sunshine Law with the commission members' need to carry out the hands-on portion of running a festival between the regularly scheduled meetings at which the commission considers larger issues and makes decisions regarding the festival.

The purpose of this Act is to:

- (1) Extend the date on which the temporary commission on the thirteenth festival of pacific arts shall cease to exist to August 31, 2025; and
- (2) Permit 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 shall hold a meeting at least once a month.

SECTION 2. Act 104, Session Laws of Hawaii 2017, is amended by amending section 4 to read as follows:

“SECTION 4. The commission shall cease to exist on ~~June 30, 2021.~~
August 31, 2025.”

SECTION 3. Less than a quorum of members of the temporary commission on the thirteenth festival of pacific arts may discuss matters relating to official board business outside of a properly noticed public meeting in the course of planning the festival, and those discussions shall be a permitted interaction under section 92-2.5, Hawaii Revised Statutes; provided that the commission shall hold a public meeting noticed pursuant to part I of chapter 92, Hawaii Revised Statutes, at least once a month, at which time it shall report its progress in the matters discussed outside a meeting pursuant to this section.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 25, 2021.)