

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: February 9, 2021, 1:00 p.m.
Via Videoconference

Re: Testimony on S.B. No. 696
Relating to the Festival of Pacific Arts

Thank you for the opportunity to submit testimony on this bill, which would exempt the Commission on the Thirteenth Festival of Pacific Arts from the Sunshine Law and extend its existence. The Office of Information Practices (OIP) takes no position regarding the length of the Commission's term or the work it is charged with, but has concerns regarding the proposed complete Sunshine Law exemption.

Although this bill states the Commission has the "intent" to follow the Sunshine Law, the bill would in fact make it completely optional for the Commission to do so. Public meetings, public testimony, keeping minutes, would all happen only when and to the extent the Commission wished to provide them. Further, the bill justifies the proposed exemption with a vague reference to the hands-on nature of planning a festival requiring "more than a quorum of commission members . . . to communicate expeditiously" outside the Sunshine Law, but does not set out any specific situation that the members could not have handled using one of the Sunshine Law's existing permitted interactions.

If the Commission truly is unable to accomplish its work within the Sunshine Law, OIP recommends that it explain what, specifically, it is unable to do under current law so this Committee can tailor a permitted interaction to its specific needs. OIP would be happy to assist in crafting a permitted interaction that would be more consistent with the spirit of the Sunshine Law.

Thank you for considering OIP's concerns.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
MIKE MCCARTNEY
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

Tuesday, February 9, 2021
1:00 PM – 2:30 PM
Via Videoconference

In consideration of
SB696
RELATING TO THE FESTIVAL OF PACIFIC ARTS.

Chair Shimabukuro, Vice Chair Keohokalole, and members of the Committee.

The Department of Business, Economic Development and Tourism (DBEDT) supports SB696 that extends the date on which the Temporary Commission on the 13th Festival of Pacific Arts will sunset to August 31, 2025; and permits Commission members to discuss matters outside of a public meeting to enable them to perform their duties faithfully.

The Festival, which was originally scheduled for June 2020, was rescheduled to 2024, due to the Covid-19 pandemic, thus making it necessary to extend the sunset date of the Commission.

The measure also permits Commission members to discuss matters outside of a public meeting. The Commission is a working group, having divided up the responsibilities of planning and implementing the Festival amongst the members. Therefore, there will be occasions when more than two Commission members will have to discuss matters in order to carry out their duties.

Thank you for the opportunity to testify.

February 5, 2021

TO: Hon. Maile S.L. Shimabukuro, Chair
Hon. Jarrett Keohokalole, Vice Chair
Senate Committee on Hawaiian Affairs

Hon. Carl Rhoads, Chair
Hon. Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

CC: Hon. Laura Acasio
Hon. Mike Gabbard
Hon. Les Ihara Jr.
Hon. Donna Mercado Kim
Hon. Chris Lee
Hon. Kurt Fevella

FROM: Monte McComber
momccomb@gmail.com

HEARING DATE: February 9, 2021

SUBJECT: SUPPORT for S.B. 696 Relating to the Festival of Pacific Arts

Aloha kākou. I'm providing testimony in my individual capacity as a commission member.

It has been a privilege and meaningful experience to serve as a commission member since 2018. If it were not for the pandemic, I would naturally and happily be concluding my duties this coming August. Arguably, COVID-19 has, thus far, delayed or cancelled every aspect of life. Such is the case for the 13th Festival of Pacific Art and Culture (FestPAC 13); originally planned for 2020.

The international community of the Pacific Ocean remain committed to attending FestPAC 13 and are ever excited to share the brilliance and beauty of their island cultures with the world here in Hawai'i in 2024. I see FestPAC 13 as an integral component to Hawai'i's long-term economic recovery; underscoring that we are, indeed, open for internal business, that we are a safe destination, and that we remain a prime location for large, international events.

Aside from the economic toll COVID-19 has had on Hawai'i, it has extracted, for nearly a year now, the usual joy and happiness from our island home. The cancellation and/or diminishing of gatherings, sports events, first birthday baby lū'au, weddings, graduation parties, funerals, etc. has left the collective cores of our being depleted. Along with economic healing, we also need healing that replenishes the proverbial cup of our humanity. A celebration of cultures that call the Pacific Ocean home is just the right medicine!

I know the fact that a commissioner asking to extend his commission is rather self-serving, but my goal in supporting S.B. 696 is to further serve Hawai'i.

Mahalo for the opportunity to share and for your consideration.



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David Y. Ige
Governor

John De Fries
President and Chief Executive Officer

Statement of
JOHN DE FRIES

Hawai'i Tourism Authority
before the
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

Tuesday, February 9, 2021
1:00 PM
via videoconference

In consideration of
SENATE BILL NO. 696
RELATING TO THE FESTIVAL OF THE PACIFIC ARTS

Chair Shimabukuro, Vice Chair Keohokalole, and members of the Committee on Hawaiian Affairs: the Hawai'i Tourism Authority (HTA) **supports** Senate Bill 696, which extends the date to which the temporary commission on the 13th Festival of Pacific Arts & Culture shall cease to exist to August 31, 2025. It permits the commission members to discuss matters relating to official board business without regard to Chapter 92, Hawai'i Revised Statutes, to enable them to perform their duties faithfully.

The 13th Festival of Pacific Arts & Culture was originally scheduled to be held in Hawai'i last summer, but due to the COVID-19 pandemic, it is now set to take place June 6-16, 2024. As a result, it is necessary to extend the date of the temporary commission to allow its members to continue planning for the festival in 2024.

It is for that reason that HTA **supports** SB 696. We appreciate this opportunity to provide testimony.