

STAND. COM. REP. NO.

1492

Honolulu, Hawaii

**MAR 30 2021**

RE: S.C.R. No. 243  
S.D. 1

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

Sir:

Your Committees on Labor, Culture and the Arts and Energy, Economic Development, and Tourism, to which was referred S.C.R. No. 243 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO CREATE A STATUTORY DEFINITION OF CREATIVE WORKERS AND DEVELOP RECOMMENDATIONS ON HOW THE TRANSIENT ACCOMMODATIONS TAX MAY BE USED TO ASSIST CREATIVE WORKERS,"

beg leave to report as follows:

The purpose and intent of this measure is to request the Legislative Reference Bureau (LRB) to conduct a study to create a statutory definition of creative workers and provide recommendations on the structure by which transient accommodations tax revenues may be used to support creative workers.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; State Foundation on Culture and the Arts; and Hawai'i Alliance for Arts Education dba Hawai'i Arts Alliance. Your Committees received comments on this measure from the Legislative Reference Bureau.

Your Committees find that creative work is generally understood as a tangible manifestation of creative effort, including fine artwork (sculpture, paintings, drawing, sketching),



performance art, dance, writing (literature), filmmaking, and compositions, with a degree of arbitrariness such that it is improbable that two persons would independently create the same work. People from all over the world who visit Hawaii have historically enjoyed the unique work produced by creative workers, including but not limited to painters, sculptors, ceramicists, writers, poets, photographers, film makers, visual artists, singers, composers, musicians, lyricists, choreographers, dancers, actors, and other performing artists. Your Committees also find that the significant decrease in the number of tourists in Hawaii due to the coronavirus disease 2019 pandemic has had a substantial impact on the livelihood of creative workers. This measure serves as groundwork for the Legislature to establish measures to support the creative workers in Hawaii.

Your Committees note the LRB's concerns regarding the tasks it is being asked to perform in this measure. First, the LRB states that it has no expertise or experience in matters relating to transient accommodations tax, tourism, or creative arts. Second, the LRB raises the lack of parameters needed for it to produce a meaningful report, including explicit guidance on the definition of "creative workers" from which the LRB can create a statutory definition and policy determinations as to the extent the "support" of creative workers should be prioritized over other concerns.

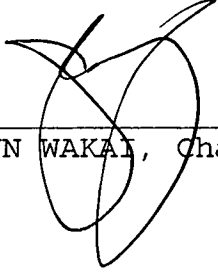
Your Committees have amended this measure by:

- (1) Deleting references to utilization of transient accommodations tax revenues to assist creative workers;
- (2) Providing non-statutory general definitions of "creative work" and "creative workers" as guidance to the LRB; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Energy, Economic Development, and Tourism that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 243, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 243, S.D. 1.



Respectfully submitted on  
behalf of the members of the  
Committees on Labor, Culture  
and the Arts and Energy,  
Economic Development, and  
Tourism,



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GLENN WAKAI, Chair




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BRIAN T. TANIGUCHI, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

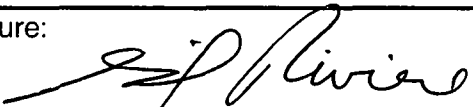
**Record of Votes**  
**Committee on Labor, Culture and the Arts**  
**LCA**

Bill / Resolution No.:* <b>SCR 243</b>	Committee Referral: <b>LCA/EET</b>	Date: <b>3/24/21</b>		
<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
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Energy, Economic Development, and Tourism**  
**EET**

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 243	LCA/EET	3/24/21		
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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
WAKAI, Glenn (C)				X
MISALUCHA, Bennette E. (VC)	X			
LEE, Chris	X			
RIVIERE, Gil	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

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