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# A BILL FOR AN ACT

RELATING TO THE STATE OF HAWAII FILM COMMISSION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 201, Hawaii Revised Statutes, is  
2 amended by adding seven new sections to part IX to be  
3 appropriately designated and to read as follows:

4           "§201-A State of Hawaii film commission; established;

5 purpose. (a) There is established a State of Hawaii film  
6 commission within the department for administrative purposes  
7 only.

8           (b) The purpose of the commission shall be to promote and  
9 develop the film industries in the State, with a focus on  
10 creating jobs, fostering economic development, supporting local  
11 cultural productions, and enhancing the State's global  
12 competitiveness in the film industries.

13           §201-B State of Hawaii film commission; powers; duties.

14           (a) The commission shall:

15           (1) Develop and promote infrastructure to support film  
16           production;



- 1        (2) Invest in and manage film studios and production  
2        facilities;
- 3        (3) Collaborate with educational institutions to develop  
4        workforce training programs;
- 5        (4) Partner with local and international film companies to  
6        increase production opportunities; and
- 7        (5) Serve as an assistant producer and invest in local  
8        film productions to generate revenues for the State.
- 9        (b) The commission may:
- 10       (1) Enter into partnerships to develop film production  
11       facilities;
- 12       (2) Invest in film projects and receive returns from the  
13       investments; and
- 14       (3) Serve as a co-producer or assistant producer in film  
15       projects that promote local culture and industry  
16       growth.
- 17       (c) The commission may adopt rules pursuant to chapter 91  
18       to effectuate the purposes of this part; provided that the  
19       commission shall not adopt rules in relation to section 201-115.
- 20       **§201-C Development and support of cultural productions.**
- 21       The commission shall prioritize the development and support of



1 facilities that expand local and cultural film productions. The  
2 commission may partner with cultural organizations and provide  
3 grants to promote indigenous storytelling.

4 **§201-D State of Hawaii film commission; annual report.**

5 The commission shall submit a report of its findings and  
6 recommendations, including any proposed legislation, to the  
7 legislature no later than twenty days prior to the convening of  
8 each regular session, detailing:

- 9 (1) Progress on strategic objectives;
- 10 (2) Workforce initiatives, including the development and  
11 implementation of the five-year strategic plan  
12 required pursuant to section 201-E(b)(1);
- 13 (3) Tax incentive impacts; and
- 14 (4) Revenue generated by film production.

15 **§201-E State of Hawaii film commission board; established;**

16 **responsibilities; composition.** (a) There is established within  
17 the commission the State of Hawaii film commission board.

- 18 (b) The board shall:
- 19 (1) Develop a five-year film strategic plan integrating  
20 workforce development business attractions and  
21 infrastructure expansion;



- 1        (2) Provide policy recommendations on improving tax  
2        incentives and diversifying the State's film  
3        production industry;
- 4        (3) Establish partnerships with local and global film  
5        industries;
- 6        (4) Serve as the coordinating agency among state, county,  
7        and private entities to streamline the film permitting  
8        and production processes; and
- 9        (5) Foster indigenous storytelling initiatives in  
10       collaboration with the State's creative communities.
- 11       (c) The board shall consist of twelve members, ten of whom  
12 shall be appointed and removed by the governor pursuant to  
13 section 26-34, except as otherwise provided in this section, and  
14 two of whom shall be ex officio, voting members as follows:
- 15       (1) The director of business, economic development, and  
16       tourism or the director's designee, who shall:
- 17           (A) Serve as chairperson of the board; and  
18           (B) Serve as an ex officio, voting member;
- 19       (2) The chairperson of the board of land and natural  
20       resources or the chairperson's designee, who shall  
21       serve as an ex officio, voting member;



- 1        (3) One member from each of the counties' film offices;
- 2        (4) One member who shall have expertise in indigenous and
- 3                cultural storytelling;
- 4        (5) One member who shall have extensive global film
- 5                production experience;
- 6        (6) One member who shall have expertise in studio
- 7                development and infrastructure;
- 8        (7) One member who shall be a Hawaii-based producer with
- 9                significant production credits; and
- 10        (8) Two members representing the labor workforce in the
- 11                film industries;

12 provided that any individual appointed as a member pursuant to  
13 paragraphs (3) to (8) shall not serve consecutive four-year  
14 terms as a member of the board.

15        (d) The chairperson shall select a vice-chairperson from  
16 among the members. The chairperson may select other leadership  
17 positions from among the members as the chairperson deems  
18 necessary, including but not limited to treasurer and secretary.

19        **§201-F State of Hawaii film commission; executive**  
20 **director; duties.** (a) The board shall appoint an executive



1 director, who shall be exempt from chapter 76, to oversee daily  
2 operations of the commission and report to the board.

3 (b) The executive director may hire other administrative  
4 personnel necessary to assist in the performance of the  
5 commission's duties.

6 (c) The executive director shall:

7 (1) Develop and implement the strategic plan pursuant to  
8 section 201-E(b)(1); and

9 (2) Prepare an annual budget and allocate resources to  
10 achieve strategic objectives, including coordinating  
11 marketing and promotional activities to position the  
12 State as a premier filming destination.

13 **§201-G Film industry development special fund.** (a) There  
14 is established in the state treasury the film industry  
15 development special fund into which shall be deposited:

16 (1) Appropriations by the legislature;

17 (2) Donations and contributions made by private  
18 individuals or organizations;

19 (3) Grants provided by governmental agencies or any other  
20 source;



- 1        (4) All revenues, fees, and charges from the processing of
- 2                    the motion picture, digital media, and film production
- 3                    income tax credit pursuant to section 235-17; and
- 4        (5) All revenues, fees, and income received by the
- 5                    department from its management of public facilities
- 6                    that support film production and workforce
- 7                    development, excluding the Hawaii film studio.
- 8        (b) The film fund shall be used by the department for:
- 9                    (1) Film production incentives and development, including
- 10                    programs providing financial support and seed capital
- 11                    for film productions that contribute to the local
- 12                    economy and global visibility of Hawaii;
- 13                    (2) Workforce development, including initiatives that
- 14                    expand the skills and capabilities of Hawaii's
- 15                    resident workforce in film production, digital media,
- 16                    and related technical fields;
- 17                    (3) Industry promotion and marketing, including efforts to
- 18                    attract film production, investment, and business
- 19                    opportunities in Hawaii; and
- 20                    (4) Infrastructure and facility support, including repair,
- 21                    maintenance, and related costs for state-managed



1           public facilities that directly support film industry  
2           workforce and business development."

3           SECTION 2. Section 201-111, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "**§201-111 Definitions.** As used in this part[+], unless  
6 the context otherwise requires:

7           "Board" means the State of Hawaii film commission board.

8           "Commission" means the State of Hawaii film commission.

9           "Creative industries" means those sectors that comprise  
10 Hawaii's creative economy, including [~~media,~~] arts, culture,  
11 music, design, fashion, publishing, animation, interactive, and  
12 emerging [~~media~~] industries; provided that "creative industries"  
13 shall not include film.

14           "Creative industries fund" means the Hawaii creative  
15 industries development special fund.

16           "Department" means the department of business, economic  
17 development, and tourism.

18           ~~["Fund" means the Hawaii film and creative industries~~  
19 ~~development special fund.~~

20           ~~"Media" means film,]~~



1        "Film" includes motion pictures, television, interactive,  
2 over-the-top television productions, virtual reality, augmented  
3 reality and other forms of emerging media, multi-player  
4 videogame publishing, and other digitally-developed content for  
5 theatrical or digital distribution via streaming, mobile, and  
6 broadcast media.

7        "Film fund" means the film industry development special  
8 fund."

9        SECTION 3. Section 201-113, Hawaii Revised Statutes, is  
10 amended to read as follows:

11        **"§201-113 Hawaii [~~film and~~] creative industries**

12 **development special fund.** (a) There is established in the  
13 state treasury the Hawaii [~~film and~~] creative industries  
14 development special fund into which shall be deposited:

15        (1) Appropriations by the legislature;

16        (2) Donations and contributions made by private  
17 individuals or organizations for deposit into the  
18 creative industries fund;

19        (3) Grants provided by governmental agencies or any other  
20 source; and



1       ~~[(4) Effective January 2, 2023, all revenues, fees, and~~  
2           ~~charges from the processing of the motion picture,~~  
3           ~~digital media, and film production income tax credit~~  
4           ~~pursuant to section 235-17; and~~

5       ~~+(5)]~~ (4) Effective July 1, 2022, all existing and future  
6           revenues, fees, and income received by the department  
7           from its management of public facilities that support  
8           ~~[media and entertainment workforce and business~~  
9           ~~development, with the exception of the Hawaii film~~  
10          ~~studio.]~~ creative industries.

11       (b) The creative industries fund shall be used by the  
12 department to provide for:

13       (1) A program to provide seed capital for ~~[film, media,~~  
14           ~~electronic sports, and]~~ creative industries  
15           intellectual property development projects for export,  
16           as determined by the department;

17       (2) Programs that expand the skills of the State's resident  
18           workforce in the ~~[film, media, and]~~ creative  
19           industries;



- 1           (3) Marketing programs that attract business opportunities
- 2                   in the [~~film, media, and~~] creative industries in the
- 3                   State; [~~and~~]
- 4           (4) Repair, maintenance, and related costs of the
- 5                   department's management of public facilities that
- 6                   support [~~media and entertainment~~] the creative
- 7                   industries workforce and business development[-]; and
- 8           (5) The support and development of facilities and other
- 9                   initiatives to grow the State's creative industries."

10           SECTION 4. There is appropriated out of the general

11 revenues of the State of Hawaii the sum of \$            or so much

12 thereof as may be necessary for fiscal year 2025-2026 for

13 deposit into the film industry development special fund.

14           SECTION 5. There is appropriated out of the film industry

15 development special fund the sum of \$            or so much

16 thereof as may be necessary for fiscal year 2025-2026 and the

17 same sum or so much thereof as may be necessary for fiscal year

18 2026-2027 for the establishment and operation of the State of

19 Hawaii film commission, including the establishment of:

- 20           (1) One full-time equivalent (1.0 FTE) executive director
- 21                   of the State of Hawaii film commission position, who



1 shall be exempt from chapter 76, Hawaii Revised  
2 Statutes; and  
3 (2) Two full-time equivalent (2.0 FTE) administrative  
4 positions to support the State of Hawaii film  
5 commission, who shall be exempt from chapter 76,  
6 Hawaii Revised Statutes.

7 The sums appropriated shall be expended by the department  
8 of business, economic development, and tourism for the purposes  
9 of this Act.

10 SECTION 6. All rights, powers, functions, and duties of  
11 the Hawaii film office are transferred to the State of Hawaii  
12 film commission.

13 All employees who occupy civil service positions and whose  
14 functions are transferred to the State of Hawaii film commission  
15 by this Act shall retain their civil service status, whether  
16 permanent or temporary. Employees shall be transferred without  
17 loss of salary, seniority (except as prescribed by applicable  
18 collective bargaining agreements), retention points, prior  
19 service credit, any vacation and sick leave credits previously  
20 earned, and other rights, benefits, and privileges, in  
21 accordance with state personnel laws and this Act; provided that



1 the employees possess the minimum qualifications and public  
2 employment requirements for the class or position to which  
3 transferred or appointed, as applicable; provided further that  
4 subsequent changes in status may be made pursuant to applicable  
5 civil service and compensation laws.

6 Any employee who, prior to this Act, is exempt from civil  
7 service and is transferred as a consequence of this Act may  
8 retain the employee's exempt status, but shall not be appointed  
9 to a civil service position as a consequence of this Act. An  
10 exempt employee who is transferred by this Act shall not suffer  
11 any loss of prior service credit, vacation or sick leave credits  
12 previously earned, or other employee benefits or privileges as a  
13 consequence of this Act; provided that the employees possess  
14 legal and public employment requirements for the position to  
15 which transferred or appointed, as applicable; provided further  
16 that subsequent changes in status may be made pursuant to  
17 applicable employment and compensation laws. The director of  
18 department of business, economic development, and tourism may  
19 prescribe the duties and qualifications of these employees and  
20 fix their salaries without regard to chapter 76, Hawaii Revised  
21 Statutes.



1 SECTION 7. All appropriations, records, equipment,  
2 machines, files, supplies, contracts, books, papers, documents,  
3 maps, and other personal property heretofore made, used,  
4 acquired, or held by the Hawaii film office relating to the  
5 functions transferred to the State of Hawaii film commission  
6 shall be transferred with the functions to which they relate.

7 SECTION 8. In codifying the new sections added by section  
8 1 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11 SECTION 9. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect on July 1, 2050.



**Report Title:**

DBEDT; State of Hawaii Film Commission; State of Hawaii Film Commission Board; Hawaii Film and Creative Industries Development Special Fund; Workforce Development; Film; Media; Reports; Positions; Appropriations

**Description:**

Establishes the State of Hawaii Film Commission within the Department of Business, Economic Development, and Tourism to support the State's film industries. Establishes the State of Hawaii Film Commission Board within the State of Hawaii Film Commission. Requires investment revenues and returns from made and fees and charges collected by the State of Hawaii Film Commission to be deposited into the Film Industry Development Special Fund. Makes conforming amendments to the Hawaii Film and Creative Industries Development Special Fund. Allows the Department to use the film fund to provide the support and development of facilities, film tax incentives, and other initiatives to grow the State's film industries. Requires annual reports to the Legislature. Appropriates funds. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

