



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1641, S.D. 2, RELATING TO THE STATE OF HAWAII FILM COMMISSION.

**BEFORE THE:**

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY

**DATE:** Friday, March 14, 2025

**TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 423

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Kevin C. Tongg or Christopher J.I. Leong, Deputy Attorneys  
General

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Chair Ilagan and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purposes of this bill are to: (1) establish the State of Hawaii Film Commission within the Department of Business, Economic Development and Tourism (DBEDT); (2) establish the State of Hawaii Film Commission Board within the State of Hawaii Film Commission; (3) establish the Film Industry Development Special Fund; (4) amend the Hawaii Film and Creative Industries Development Special Fund; (5) require annual reports to the Legislature; and (6) appropriate funds.

The Department has concerns that the new section 201-C created by this bill does not contain legally sufficient standards for grants of public money as required by article VII, section 4, of the Constitution of the State of Hawaii, which provides that "[n]o grant of public money or property shall be made except pursuant to standards provided by law." Therefore, we recommend that this bill be amended to insert appropriate standards. Examples of existing statutes that provide standards for agencies to issue grants are part II of chapter 9 and sections 10-17, 210D-11, and 383-128, Hawaii Revised Statutes (HRS). We have attached draft standards to this testimony as a sample to work from. These standards could be inserted at the end of section 201-C after page 3, line 3.

Additionally, section 201-G on page 6, line 13, to page 8, line 2, of this bill would establish the film industry development special fund to be administered by DBEDT. The Department has concerns that the fund may not meet the requirements of section 37-52.3, HRS, which provides that special funds shall: (1) serve a need as demonstrated by the purpose and scope of the program and an explanation of why the program cannot be implemented successfully under the general fund appropriation process; (2) reflect a clear nexus between the benefits sought and charges made upon program users or beneficiaries or a clear link between the program and the sources of revenue; (3) provide an appropriate means of financing for the program or activity; and (4) demonstrate the capacity to be financially self-sustaining.

This bill does not describe the scope of the program, including financial information on fees to be charged, sources of projected revenue, and costs; contain an explanation as to why the special fund could not be successfully implemented under the general fund appropriation process; reflect a clear nexus between the benefits sought and charges made upon the program users or beneficiaries or a clear link between the program and the sources of revenue; provide an appropriate means of financing for the program or activity that is used only when essential to the successful operation of the program or activity; or demonstrate how the initiative will be financially self-sustaining.

We suggest adding a purpose section to this bill that explains how the fund meets the requirements of section 37-52.3, HRS.

Thank you for the opportunity to provide comments.

**POSSIBLE STANDARDS FOR THE GRANTS IN THIS BILL**

Applications for grants shall be made to the commission and contain the information as shall be required by rules adopted thereunder. At a minimum, the applicant shall:

- (1) Be licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which a grant is awarded;
- (2) Provide a detailed plan outlining the scope, objectives, and projected impact of the project or projects and a clear breakdown of how grant funds will be utilized;
- (3) Agree to use state funds exclusively for the purposes of this program;
- (4) Indicate capability to properly use the grant for the purpose of the grant program. [Specific applicant qualifications should be described for the different types of grants.];
- (5) Comply with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, disability, or any other characteristic protected under applicable federal or state law;
- (6) Agree not to use state funds for purposes of perquisites;
- (7) Comply with other requirements as the commission may prescribe;
- (8) Comply with all applicable federal, state, and county statutes, rules, and ordinances;
- (9) Agree to indemnify and save harmless the State of Hawaii and its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or projects

undertaken with funds provided hereunder and procure sufficient insurance to provide this indemnification if requested to do so by the commission.

- (10) Agree to make available to the commission all records the applicant may have relating to the grant, to allow state agencies to monitor the applicant's compliance with this section.



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**  
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI  
A HO'OMĀKA'IKĀ'I

**JOSH GREEN, M.D.**  
GOVERNOR

**SYLVIA LUKE**  
LT. GOVERNOR

**JAMES KUNANE TOKIOKA**  
DIRECTOR

**DANE K. WICKER**  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [dbedt.hawaii.gov](http://dbedt.hawaii.gov)

Telephone: (808) 586-2355  
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Statement of  
**JAMES KUNANE TOKIOKA**  
Director

Department of Business, Economic Development, and Tourism  
before the

**HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY**

Friday, March 14, 2025

10:00 AM

State Capitol, Conference Room #423

In consideration of  
**SB1641, SD2**  
**RELATED TO THE STATE OF HAWAII FILM COMMISSION**

Chair Ilagan, Vice Chair Hussey and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports the intent of SB1641, SD2 which seeks to establish a Hawai'i State Film Commission, composition, roles and duties, requires amendments to Chapter 201, adding new sections to Part IX which defines the purposes, to include investing in films and television, infrastructure and facilities development, support of local indigenous content and provides the ability to receive returns on these investments to be deposited into a newly established Hawai'i Film Industry Development Special Fund.

DBEDT and its Creative Industries Division (CID) believe it is important to evolve our approach to industry growth in film and television production as the global industry changes, while maintaining core statutory functions and positions. To expand our film industry as an alternative to our reliance solely on tourism as an economic driver, the stability of Hawai'i's film tax credit is key. Coupled with exploring investment strategies through other funding means as noted in this measure, this can provide a more diverse portfolio of options to attract production which drives economic activity on a major scale, we will grow our locally based film and television industry.

We appreciate the amendments made in SD2 which provided 1) maintaining Section 201-113 and renaming to the Hawai'i Creative Industries Development Special Fund, as well as 2) language to clarify the transfer in of the four existing film office staff in DBEDT as requested.

We ask for the committee's consideration of the following amendments in a proposed HD1:

**Hawai'i Creative Industries Development Special Fund:**

To reflect the core intent of the Hawai'i Creative Industries Development Special Fund (HRS §201-113) insert in Section 3, page 9, line 11, Hawai'i Creative **and Media** Industries Development Special Fund and maintain titling as noted throughout.

1. **Retain funding and activities for non-film sectors** of the creative industries, which includes media, and is defined as animation, videogame design, music, fashion, digital design, performing arts, and creative content intellectual property.
  - a. In Section 2, 201-111, "Definitions" amend line 10 to **reinstate "media" language as defined above.**
  - b. In Section 3, page 10, (b) (1) **reinstate media, electronic sports.**
  - c. In Section 3, page 10, (b) (2) line 18 **reinstate media.**
  - d. In Section 3, page 11, (b) (3) line 2, **reinstate media.**
2. ~~Remove~~ **Maintain revenue sources** specifically related to film production tax credits and public facilities supporting ~~film and~~ media;
  - a. The .2% deposit derived from the total credit received from and paid by filers. As a sustainable source of funding, particularly as state operated film studio revenues will go the new fund, these contributions will offset that loss of revenue/funding source.
3. Continue supporting workforce development, business incubation, **ecosystem development** and market expansion for creative **and media** industries outside of film. ~~and media.~~

**Hawai'i Film Industry Development Special Fund:**

- a. All revenues, fees, and income received by the department from its management of public facilities that support film production and workforce development, ~~[excluding]~~ **including** the Hawai'i Film Studio.
  - a. Currently revenues from Hawai'i Film Studio are deposited into the general fund.

**Strengthening the Authority and Investment Nexus of the Hawai'i State Film Commission:**

The following amendments are proposed to ensure clarity, alignment with existing statutes, and appropriate oversight regarding the Hawai'i State Film Office's authority and investment responsibilities:

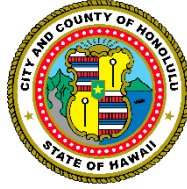
1. Authority to Effectuate Rules Adoption – Amend Section 1, item (c), line 20 to include a reference to HRS 201-113, **ensuring statutory consistency in the office's rulemaking authority related to film and creative industries development.**

DBEDT requests your additional consideration in Section 4 to include appropriation for each fund for FY26-27, due to the current economic downturn in the production industry. The department is committed to fostering innovation and economic diversification through newly proposed initiatives such as SB 1641, SD2. When layered with the current film incentive becomes a game changing opportunity to grow our local and indigenous film industry while attracting production, validating the need for facilities to service both sectors of the film ecosystem. Thank you for the opportunity to testify.

**HONOLULU FILM OFFICE**  
**KE KE'ENA LĪPINE O HONOLULU**  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING ST, ROOM 306 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-6100 • FAX: (808) 768-6102 • INTERNET: [www.honolulu.gov/film-office](http://www.honolulu.gov/film-office)

RICK BLANGIARDI  
MAYOR  
MEIA



WALEA L. CONSTANTINAU  
FILM COMMISSIONER  
KOMININA LĪPINE

Testimony of Walea Constantinau,  
Film Commissioner, Honolulu Film Office  
City and County of Honolulu

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY

March 14, 2025 -- 10:00 AM  
State Capitol, Conference Room 423 and via Videoconference

**RE: SB 1641 SD2 RELATING TO THE HAWAII STATE FILM COMMISSION – COMMENTS**

Dear Chair Ilagan, Vice-chair Hussey and members of the committees:

The Honolulu Film Office would like to thank the Legislature for its long-standing support of Hawai'i's Film Industry. This collaboration has been successful because it:

- **Is a revenue-generator that diversifies our economy** by attracting millions of dollars into our state and creates living-wage jobs
- **builds-up our local filmmakers** and bolstering their ability to elevate within the industry

We offer the following comments and suggestions for your consideration.

1. We recommend that duties mentioned in the measure be separated into two distinct entities to better reflect the structures that the measure is appearing to emulate that exist in New Zealand, the UK and Australia.

New Zealand has a development agency that manages the making of New Zealand films for the New Zealand market which is called the New Zealand Film Commission. They handle giving grants to local filmmakers, some of which have an equity stake.

The agencies that handle the actual day-to-day film commission work which involves facilitating production, administering tax credits, issuance of permitting and input on governmental policy related to the film industry is a collective of offices called RFONZ. This is similar to the Film Offices of the Hawaiian Islands.

The two are separated to avoid fiduciary conflicts. This would be analogous to the changes the CID did a few years ago at the request of the State Auditor to separate



duties of administering the tax credit and the permitting and facilitation of filming activities.

2. On page 2, the language which refers to positions in the industry is inconsistent with standard industry terminology.
3. On page 5, line 1 states that there should be a member from each county on the board but on line 13 states that they should not serve consecutive 4-year terms on the board. This conflicts with the length of term that county commissioners can serve for their counties, examples of which can be found in each county. Furthermore, we would note that county film offices generally have minimal staff (ie one person) and there may not be an additional county film office employees who could serve in the capacity stated.
4. Finally, we suggest the addition of clarifying language regarding what can be done with the funds as described on page 7, line 8, as it does not appear to mirror the duties and responsibilities stated on page 1, line 14.

Thank you for the opportunity to provide comments on this measure.



Randy Perreira  
President

# HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441  
Fax: (808) 593-2149

The Thirty-Third Legislature  
House of Representatives  
Committee on Economic Development & Technology

Testimony by  
Hawaii State AFL-CIO

March 14, 2025

TESTIMONY IN SUPPORT OF SB1641 SD2 – RELATING TO THE STATE OF HAWAII' I FILM  
COMMISSION

Chair Ilagan, Vice Chair Hussey, and members of the committee:

The Hawaii State AFL-CIO is a state federation of 76 affiliate labor organizations representing over 69,000 union members across Hawaii in industries including healthcare, construction, hospitality, entertainment, transportation, and government. The Hawaii State AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, safe working conditions, and policies that strengthen Hawaii's workforce.

We support SB1641 SD2, which strengthens Hawai'i's film, television, and media industries by establishing the State of Hawai'i Film Commission and the State of Hawai'i Film Commission Board. A dedicated entity focused on the film industry will provide structure, strategic planning, and investment to expand economic opportunities and high-paying jobs in this growing sector.

This measure prioritizes workforce development by supporting training programs, creating local employment opportunities, and developing partnerships that ensure Hawai'i residents benefit from the film industry's expansion. The creation of a stable workforce pipeline and investment in local talent will help sustain long-term industry growth. Infrastructure improvements, tax incentives, and industry promotion will attract more productions, generating economic benefits while keeping jobs local.

We respectfully request the committee's support for this measure.

Respectfully submitted,

Randy Perreira  
President

**SB-1641-SD-2**

Submitted on: 3/12/2025 3:53:24 PM

Testimony for ECD on 3/14/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Genaro Gualdarama Hale	Hawaii Teamsters Local 996	Support	Written Testimony Only

Comments:

Support only with amendments.



# IATSE LOCAL 665

FILM, TELEVISION, STAGE, PROJECTION AND TRADESHOWS  
Since 1937

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS  
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC



Thirty-Third Legislature, State of Hawai'i  
Regular Session of 2025  
House Committee on Economic Development and Technology  
Testimony by IATSE 665  
March 14th, 2025

## **SB1641 SD2 - RELATING TO THE STATE OF HAWAII FILM COMMISSION**

Aloha Chair Ilagan, Vice Chair Hussey, and members of the House committee,

My name is Tuia'ana Scanlan, IATSE International Trustee and President of IATSE Local 665, the union representing technicians and artisans in the entertainment industry in Hawai'i. **IATSE 665 provides comments SB1641 SD2**, relating to the state of Hawai'i film commission.

While we appreciate the intention of the bill to create a transparent oversight entity for Hawai'i's film industry, we have serious concerns about the potential conflict of interest and 1st Amendment repercussions that this bill would bring about.

To start, "Assistant Producer" is not a position that exists in the realm of production. Producers have power over the approval of the content of a film or television show. It's all well and good while there are conscientious leaders at the helm, but what happens if future leadership takes a more radical or inflammatory approach to the messaging made possible by mass media? When art must bend the knee to government approval, it leans dangerously over the line of state-run media and propaganda.

Additionally, the state is already a stakeholder in the industry. As the latest DBEDT figures indicate, in 2024 our film and television industry generated \$324,150,100 in sales or economic activity, \$20,235,960 in estimated tax revenues, and \$74,948,000 in Hawai'i household income generated because of the qualified productions. The film/tv/streaming industry also accounted for 2,247 jobs for 2023. Hawai'i's economy benefits greatly from this industry in proportion to the amount of public funds invested in it. If the state becomes a stakeholder in the tax incentive by designating itself as an "assistant producer", and this proposed commission has approval of the funding, what happens when the commission doesn't approve of the content of the film? Do those projects then receive less priority when applying for the incentive? We are concerned that the conflict of interest inherent in this current iteration of the bill creates more problems than it solves.

Thank you for the opportunity to provide comments on SB1641 SD2. We hope you will take them into consideration while you deliberate on this important bill.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Tuia'ana Scanlan', with a large, stylized initial 'T'.

Tuia'ana Scanlan  
IATSE International Trustee  
President, IATSE 665  
(he/him/his)

**SB-1641-SD-2**

Submitted on: 3/11/2025 4:01:02 PM

Testimony for ECD on 3/14/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch, Jr. (he/him)	Pride at Work – Hawai‘i	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

Pride at Work – Hawai‘i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work – Hawai‘i fully supports SB 1641 SD 2.

We ask that you support this needed piece of legislation.

Mahalo,

Michael Golojuch, Jr. (he/him)

President

[Pride at Work – Hawai‘i](#)



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE HOUSE COMMITTEE ON  
ECONOMIC DEVELOPMENT & TECHNOLOGY  
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 423  
Friday, March 14, 2025 AT 10:00 A.M.

To The Honorable Greggor Ilagan, Chair  
The Honorable Ikaika Hussey, Vice Chair  
Members of the Committee on Economic Development and Technology

## **SUPPORT SB1641 SD2 RELATING TO THE STATE OF HAWAII FILM COMMISSION**

The Maui Chamber of Commerce **SUPPORTS SB1641 SD2** which establishes the Hawai'i State Film Office within the Department of Business, Economic Development, and Tourism to support the State's film and media industries; establishes the Hawai'i State Film Commission within the Hawai'i State Film Office. Requires investment revenues and returns from made and fees and charges collected by the Hawai'i State Film Office to be deposited into the Hawai'i Film and Creative Industries Development Special Fund; and allows the Department to use the fund to provide the support and development of facilities, film tax incentives, and other initiatives to grow the State's creative industries.

The Chamber has historically been a strong supporter of the film industry. We fully support and appreciate the creation of the commission and its proposed duties, particularly its inclusion of neighbor island film directors. We understand and support the allocation of funding for additional staff to facilitate this initiative. This is a valuable asset to our economic diversification plan.

For these reasons we **SUPPORT SB1641 SD2** and respectfully request its passage.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

March 14, 2025

House Committee on Economic Development & Technology  
Representative Greggor Ilagan, Chair  
Representative Ikaika Hussey, Vice Chair



*Working together for Kapolei*

Thursday March 14, 2025, 10:00 a.m.  
Conference Rm. 423 and via videoconference

Dear Chair Ilagan , Vice Chair Hussey, and members of the committee:

**RE: SB1641 SD2 Relating to the Film Commission**

My name is Kiran Polk, and I am the Executive Director & CEO of the Kapolei Chamber of Commerce. The Kapolei Chamber of Commerce is an advocate for businesses in the Kapolei region including Waipahu, Kapolei, 'Ewa Beach, Nānakūli, Wai'anae and Mākaha. The Chamber works on behalf of its members and the business community to improve the regional and State economic climate and help West O'ahu businesses thrive. We are a member- driven, member-supported organization representing the interests of all types of business: small, medium or large, for profit or non-profit businesses or sole proprietorship.

The Kapolei Chamber of Commerce **supports the intent of SB1641 SD1**, which establishes the Hawai'i State Film Office within the Department of Business, Economic Development, and Tourism to support the State's film and media industries. This measure also creates the Hawai'i State Film Commission within the Hawai'i State Film Office, ensures investment revenues and returns from fees and charges collected are deposited into the Hawai'i Film and Creative Industries Development Special Fund, and allows the Department to utilize the fund to support and develop facilities, film tax incentives, and other initiatives to grow the State's creative industries.

As a strong advocate for economic growth in West O'ahu, the Kapolei Chamber of Commerce recognizes the critical role the film industry plays in diversifying our economy and creating job opportunities. We appreciate the establishment of the commission and its responsibilities, particularly its inclusion of regional film industry leaders. Additionally, we acknowledge the need for funding to ensure adequate staffing to facilitate this initiative effectively.

This measure aligns with efforts to enhance Hawai'i's creative industries and expand economic opportunities, particularly in West O'ahu, where there is significant potential for growth in media and film production.

Thank you for your consideration of this measure.

Respectfully,

Kiran Polk  
Executive Director & CEO

1001 Kamokila Boulevard, Campbell Building Suite 250, Kapolei, Hawaii 96707



**SB-1641-SD-2**

Submitted on: 3/13/2025 9:05:57 AM

Testimony for ECD on 3/14/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Gueso	Individual	Support	In Person

Comments:

Aloha Chair and Vice Chair,

My name is Michael Gueso and I'm a member of HAWAII TEAMSTERS 996.

Id like to offer my support for this bill With The Following Ammendments.

Id like to add language directly from the Association of Film Commissioners International regarding Conflict Of Interest. The requested language should read:

There shall be no conflict of interest, either actual or apparent, between the duties of the film commission and the Film Commissioner.

The Film Commissioner cannot be engaged as an employee in an entity that would have a significant financial benefit from any incoming production that takes place in the territory. Positions a Film Commissioner cannot hold or have significant financial benefit (stakeholder, partner) in: role of Producer, or work at a production company, vendor or service business that caters to a production industry, or other services (technical advisor, working actor) in the production industry. Additionally a film commission cannot be Overseen by a labor union, a for profit business or a commercial entity.

The above mentioned ammendment is in regards to number the projected 12 committee members number (7) One member that's a Hawaii based producer with significant production credits.

The 2nd Ammendment Im requesting is in regards to the projected 12 committee members number (8). Id like to replace that language to read:

Three members representing the labor workforce in the film industry. Specifically, HAWAII TEAMSTERS 996, IATSE and SAGAFTRA.

Mahalo Nui

Michael Gueso

HAWAII TEAMSTERS 996

**SB-1641-SD-2**

Submitted on: 3/13/2025 10:32:05 AM

Testimony for ECD on 3/14/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Remotely Via Zoom

Comments:

I support this bill because I believe it will help bring more film and production jobs to the state and promote more work for the filmmakers here in Hawaii. Hawaii can potentially be one of the biggest competitors in the film space with cities like LA and New York no longer being the monolithic film hubs they once were. Please support this bill and our local filmmakers.