

---

---

# A BILL FOR AN ACT

RELATING TO FILMING.

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

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

4 "§201- Production permits; production tax credit;  
5 information; public notice. (a) Whenever the department,  
6 pursuant to section 201-3(b) or 201-14:

7 (1) Issues a permit to; or

8 (2) Enters into a memorandum of agreement or memorandum of  
9 understanding with,

10 any person to film a motion picture, television show, television  
11 commercial, or other visually recorded production at state-  
12 administered locations under the department's film permitting  
13 authority, the department shall provide public notice of the  
14 information required in subsection (c) within five business  
15 days; provided that during emergency situations, the department  
16 shall provide public notice of the information required in  
17 subsection (c) within fourteen business days.



1        The information required in subsection (c) shall also be  
2 made available, at the same time the public notice is provided,  
3 on a publicly accessible part of the department's website.

4        (b) Whenever the department, in accordance with section  
5 235-17:

6        (1) Receives registration for prequalification by a  
7 taxpayer pursuant to section 235-17(f); or

8        (2) Determines that a taxpayer qualifies for the motion  
9 picture, digital media, and film production income tax  
10 credit,

11 the department shall provide public notice of the information  
12 required in subsection (c) within five business days; provided  
13 that during emergency situations, the department shall provide  
14 public notice of the information required in subsection (c)  
15 within fourteen business days.

16        The information required in subsection (c) shall also be  
17 made available, at the same time the public notice is provided,  
18 on a publicly accessible part of the department's website.

19        As used in this subsection, "taxpayer" means a person  
20 subject to a tax imposed by chapter 235.



1       (c) The information provided by the department shall  
2 consist of:

3       (1) The name of the production; and

4       (2) The contact information of a designated representative  
5 for the production, including the representative's  
6 phone number, electronic mail address, and physical  
7 mailing address.

8       (d) Any individual may sign up with the department to  
9 receive the public notice required under this section. The  
10 department shall provide the public notice by electronic mail  
11 or, subject to any reasonable fee the department may assess to  
12 recover the costs of postage, supplies, staffing, and other  
13 related expenses, by postal mail.

14       (e) The department may adopt rules pursuant to chapter 91  
15 to implement this section."

16       SECTION 2. Section 171-11, Hawaii Revised Statutes, is  
17 amended to read as follows:

18       "**§171-11 Public purposes, lands set aside by the governor;**  
19 **management.** The governor may, with the prior approval of the  
20 board of land and natural resources, set aside public lands to  
21 any department or agency of the State, the city and county,



1 county, or other political subdivisions of the State for public  
2 use or purpose. All withdrawals of the lands or portions  
3 thereof so set aside shall be made by the governor.

4 Any public lands set aside by the governor prior to the  
5 enactment of this chapter, or any public lands set aside by the  
6 governor of the Territory of Hawaii, shall be subject to the  
7 provisions of this section.

8 Lands while so set aside for such use or purpose or when  
9 acquired for roads and streets shall be managed by the  
10 department, agency, city and county, county, or other political  
11 subdivisions of the State having jurisdiction thereof, unless  
12 otherwise provided by law. Such department, agency of the  
13 State, the city and county, county, or other political  
14 subdivisions of the State in managing such lands shall be  
15 authorized to exercise all of the powers vested in the board in  
16 regard to the issuance of leases, easements, licenses, revocable  
17 permits, concessions, or rights of entry covering such lands for  
18 such use as may be consistent with the purposes for which the  
19 lands were set aside on the same terms, conditions, and  
20 restrictions applicable to the disposition of public lands, as  
21 provided by this chapter all such dispositions being subject to



1 the prior approval of the board; provided that any nonrenewable  
2 dispositions granting rights for a period not in excess of  
3 fourteen days shall not require (1) the approval of the board or  
4 (2) public auction or public advertisement for sealed tenders;  
5 [~~and~~] provided further that disposition of lands set aside for  
6 use as agricultural parks pursuant to chapter 166 and lands set  
7 aside for filming and film studio operation shall not be subject  
8 to the prior approval of the board. If at the time of the  
9 disposition of any such leases the board shall have approved the  
10 same, any order withdrawing or setting aside any or all of such  
11 lands for any other public purpose shall be made subject to such  
12 leases. Subject to section 5(f) of the Act of March 18, 1959  
13 (73 Stat. 6), all proceeds from such lands shall be deposited  
14 into the appropriate funds provided by law.

15 A survey of the land to be set aside shall not be a  
16 condition precedent to set aside public lands to a department or  
17 agency of the State; provided that a subsequent survey of the  
18 land set aside shall be binding if ratified by the board of land  
19 and natural resources and the governor; provided further that  
20 the State, its departments and agencies, and its officials and  
21 employees shall be immune from all suits of whatever character,



1 whether sounding in law or in equity, relating to the boundaries  
2 of land set aside without a survey.

3 This section shall also apply where the purposes are the  
4 uses and purposes of the United States; provided that all  
5 revenues derived from the lands and improvements thereon shall  
6 be paid to the department of land and natural resources by the  
7 United States.

8 Whenever lands set aside for a public purpose to the  
9 various departments and agencies of the State, or to any city  
10 and county, county, or other political subdivisions of the  
11 State, or to the United States, are not being utilized or  
12 required for the public purpose stated, the order setting aside  
13 the lands shall be withdrawn and the lands shall be returned to  
14 the department. The governor may withdraw public lands and,  
15 with the prior approval of the board of land and natural  
16 resources, set aside the withdrawn lands to another department  
17 or agency of the State, the city and county, county, or  
18 political subdivision of the State, or to the United States for  
19 public use or purpose[~~r~~]; provided that no structure on such  
20 lands shall be built, demolished, or altered until after the  
21 legislative action or inaction as hereinbelow provided.



1           The power granted to the governor in this section to set  
2 aside or withdraw or withdraw and set aside public lands shall  
3 be exercised subject to disapproval by the legislature by two-  
4 thirds vote of either the senate or the house of representatives  
5 or by the majority vote of both, in any regular or special  
6 session next following the date of the setting aside or  
7 withdrawal, or withdrawal and setting aside.

8           Whenever portions of lands set aside for a public purpose  
9 to the various departments and agencies of the State, or to any  
10 city and county, county, or other political subdivision of the  
11 State are not presently utilized or required for the public  
12 purpose stated, the board shall have the power, without  
13 withdrawing the order setting aside the lands, to dispose of any  
14 and all real property interest less than the fee in the portions  
15 of such lands where the disposition is for a use which is  
16 consistent or inconsistent with the purpose for which the land  
17 was set aside. All funds derived from disposition by the board  
18 shall be deposited in the general fund of the State or be paid  
19 to the appropriate account; provided that all such dispositions  
20 shall be with the prior written approval of the department,  
21 agency, city and county, county, or other political subdivisions



1 of the State and the governor, and shall be undertaken in  
2 compliance with all other applicable sections of this chapter."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

DBEDT; BLNR; Film Permits; Tax Credit; Information; Public Notice; Film Studio; Public Lands; Exemption

**Description:**

Requires the Department of Business, Economic Development, and Tourism to provide public notice of certain information whenever a production obtains a permit or enters into a memorandum of agreement or understanding with DBEDT to film a visually recorded production at certain locations. Requires DBEDT to provide public notice of certain information whenever a production registers for pre-qualification or is determined to qualify for the Motion Picture, Digital Media, and Film Production Income Tax Credit and simultaneously post notice on a publicly accessible part of its website. Allows individuals to sign up to receive the public notice by electronic mail or postal mail. Provides an exemption for dispositions of lands set aside for filming and film studio operation from prior approval of the Board of Land and Natural Resources. (CD1)

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

