
A BILL FOR AN ACT

RELATING TO THE HAWAII FILM STUDIO.

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

1 SECTION 1. The legislature finds that the film industry in
2 Hawaii is vital to maintaining a diversified economy for the
3 State. A vibrant, growing film industry has been effective over
4 the past five decades in stimulating Hawaii's economy, creating
5 quality, well-paying jobs for residents of the State, and is the
6 perfect example of a clean, diversified industry that supports
7 and protects Hawaii's fragile natural environment, uplifts the
8 community and provides opportunity to share unique Native
9 Hawaiian history, culture, language, and stories with the world.

10 The Hawaii film studio at Diamond Head is situated at 510
11 18th Avenue, tax map key (1)3-1-42:9, and falls under governor's
12 executive order no. 4097 setting aside 7.422 acres. The studio
13 currently falls under the management and oversight of the
14 department of business, economic development, and tourism
15 through its Hawaii film office. The purpose of this Act is to
16 streamline the department of business, economic development, and
17 tourism's use of the Hawaii film studio facility at Diamond Head



1 for film activity and film-related business by not requiring
2 board of land and natural resources' approval of new tenants to
3 further strengthen and develop Hawaii's film industry.

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

6 "**§171-11 Public purposes, lands set aside by the governor;**
7 **management.** The governor may, with the prior approval of the
8 board of land and natural resources, set aside public lands to
9 any department or agency of the State, the city and county,
10 county, or other political subdivisions of the State for public
11 use or purpose. All withdrawals of the lands or portions
12 thereof so set aside shall be made by the governor.

13 Any public lands set aside by the governor prior to the
14 enactment of this chapter, or any public lands set aside by the
15 governor of the Territory of Hawaii, shall be subject to the
16 provisions of this section.

17 Lands while so set aside for such use or purpose or when
18 acquired for roads and streets shall be managed by the
19 department, agency, city and county, county, or other political
20 subdivisions of the State having jurisdiction thereof, unless
21 otherwise provided by law. Such department, agency of the



1 State, the city and county, county, or other political
2 subdivisions of the State in managing such lands shall be
3 authorized to exercise all of the powers vested in the board in
4 regard to the issuance of leases, easements, licenses, revocable
5 permits, concessions, or rights of entry covering such lands for
6 such use as may be consistent with the purposes for which the
7 lands were set aside on the same terms, conditions, and
8 restrictions applicable to the disposition of public lands, as
9 provided by this chapter all such dispositions being subject to
10 the prior approval of the board; provided that any nonrenewable
11 dispositions granting rights for a period not in excess of
12 fourteen days shall not require (1) the approval of the board or
13 (2) public auction or public advertisement for sealed tenders;
14 [~~and~~] provided further that disposition of lands set aside for
15 use as agricultural parks pursuant to chapter 166 and lands set
16 aside for filming and film studio operation shall not be subject
17 to the prior approval of the board. If at the time of the
18 disposition of any such leases the board shall have approved the
19 same, any order withdrawing or setting aside any or all of such
20 lands for any other public purpose shall be made subject to such
21 leases. Subject to section 5(f) of the Act of March 18, 1959



1 (73 Stat. 6), all proceeds from such lands shall be deposited
2 into the appropriate funds provided by law.

3 A survey of the land to be set aside shall not be a
4 condition precedent to set aside public lands to a department or
5 agency of the State; provided that a subsequent survey of the
6 land set aside shall be binding if ratified by the board of land
7 and natural resources and the governor; provided further that
8 the State, its departments and agencies, and its officials and
9 employees shall be immune from all suits of whatever character,
10 whether sounding in law or in equity, relating to the boundaries
11 of land set aside without a survey.

12 This section shall also apply where the purposes are the
13 uses and purposes of the United States; provided that all
14 revenues derived from the lands and improvements thereon shall
15 be paid to the department of land and natural resources by the
16 United States.

17 Whenever lands set aside for a public purpose to the
18 various departments and agencies of the State, or to any city
19 and county, county, or other political subdivisions of the
20 State, or to the United States, are not being utilized or
21 required for the public purpose stated, the order setting aside



1 the lands shall be withdrawn and the lands shall be returned to
2 the department. The governor may withdraw public lands and,
3 with the prior approval of the board of land and natural
4 resources, set aside the withdrawn lands to another department
5 or agency of the State, the city and county, county, or
6 political subdivision of the State, or to the United States for
7 public use or purpose[~~7~~]; provided that no structure on such
8 lands shall be built, demolished or altered until after the
9 legislative action or inaction as hereinbelow provided.

10 The power granted to the governor in this section to set
11 aside or withdraw or withdraw and set aside public lands shall
12 be exercised subject to disapproval by the legislature by two-
13 thirds vote of either the senate or the house of representatives
14 or by the majority vote of both, in any regular or special
15 session next following the date of the setting aside or
16 withdrawal, or withdrawal and setting aside.

17 Whenever portions of lands set aside for a public purpose
18 to the various departments and agencies of the State, or to any
19 city and county, county, or other political subdivision of the
20 State are not presently utilized or required for the public
21 purpose stated, the board shall have the power, without



1 withdrawing the order setting aside the lands, to dispose of any
2 and all real property interest less than the fee in the portions
3 of such lands where the disposition is for a use which is
4 consistent or inconsistent with the purpose for which the land
5 was set aside. All funds derived from disposition by the board
6 shall be deposited in the general fund of the State or be paid
7 to the appropriate account; provided that all such dispositions
8 shall be with the prior written approval of the department,
9 agency, city and county, county, or other political subdivisions
10 of the State and the governor, and shall be undertaken in
11 compliance with all other applicable sections of this chapter."

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

14 SECTION 4. This Act shall take effect on July 1, 2050;
15 provided that if the Hawaii film studio has not moved its
16 location from tmk (1) 3-1-42:9 as of June 30, 2030, this Act
17 shall be repealed on that date, and section 171-11, Hawaii
18 Revised Statutes, shall be reenacted in the form in which it
19 read on the day before the effective date of this Act.



Report Title:

BLNR; DBEDT; Hawaii Film Studio; Public Lands; Exemption;
Creative Media; Entertainment

Description:

Provides an exemption to dispositions of lands set aside for film studio and film studio operation from prior approval of the Board of Land and Natural Resources pursuant to section 171-11, HRS, thus streamlining the Department of Business, Economic Development, and Tourism's use of the Hawaii Film Studio for filming activity and other film-related business in order to more efficiently develop Hawaii's film, media, and creative industries. Repealed 6/30/2030 if Hawaii film studio has not changed locations as of that date. Effective 7/1/2050. (SD2)

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