
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 of
6 business, economic development, and tourism, pursuant to section
7 201-3(b) or 201-14:
8 (1) Issues a permit to; or
9 (2) Enters into a memorandum of agreement or memorandum of
10 understanding with,
11 any person to film a motion picture, television show, television
12 commercial, or other visually recorded production at state-
13 administered locations under the department's film permitting
14 authority, the department shall, within five business days,
15 provide public notice of the information required in subsection
16 (c); provided that during emergency situations, the department



1 shall provide public notice of the information required in
2 subsection (c) within fourteen business days.

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

6 (b) Whenever the department of business, economic
7 development, and tourism, in accordance with section 235-17:

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

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

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

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



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

3 (c) The information provided by the department of
4 business, economic development, and tourism shall consist of:

5 (1) The name of the production; and

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

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

17 (e) The department of business, economic development, and
18 tourism may adopt rules pursuant to chapter 91 to implement this
19 section."

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



1 "**§171-11 Public purposes, lands set aside by the governor;**
2 **management.** The governor may, with the prior approval of the
3 board of land and natural resources, set aside public lands to
4 any department or agency of the State, the city and county,
5 county, or other political subdivisions of the State for public
6 use or purpose. All withdrawals of the lands or portions
7 thereof so set aside shall be made by the governor.

8 Any public lands set aside by the governor prior to the
9 enactment of this chapter, or any public lands set aside by the
10 governor of the Territory of Hawaii, shall be subject to the
11 provisions of this section.

12 Lands while so set aside for such use or purpose or when
13 acquired for roads and streets shall be managed by the
14 department, agency, city and county, county, or other political
15 subdivisions of the State having jurisdiction thereof, unless
16 otherwise provided by law. Such department, agency of the
17 State, the city and county, county, or other political
18 subdivisions of the State in managing such lands shall be
19 authorized to exercise all of the powers vested in the board in
20 regard to the issuance of leases, easements, licenses, revocable
21 permits, concessions, or rights of entry covering such lands for



1 such use as may be consistent with the purposes for which the
2 lands were set aside on the same terms, conditions, and
3 restrictions applicable to the disposition of public lands, as
4 provided by this chapter all such dispositions being subject to
5 the prior approval of the board; provided that any nonrenewable
6 dispositions granting rights for a period not in excess of
7 fourteen days shall not require (1) the approval of the board or
8 (2) public auction or public advertisement for sealed tenders;
9 [~~and~~] provided further that disposition of lands set aside for
10 use as agricultural parks pursuant to chapter 166 and lands set
11 aside for filming and film studio operation shall not be subject
12 to the prior approval of the board. If at the time of the
13 disposition of any such leases the board shall have approved the
14 same, any order withdrawing or setting aside any or all of such
15 lands for any other public purpose shall be made subject to such
16 leases. Subject to section 5(f) of the Act of March 18, 1959
17 (73 Stat. 6), all proceeds from such lands shall be deposited
18 into the appropriate funds provided by law.

19 A survey of the land to be set aside shall not be a
20 condition precedent to set aside public lands to a department or
21 agency of the State; provided that a subsequent survey of the



1 land set aside shall be binding if ratified by the board of land
2 and natural resources and the governor; provided further that
3 the State, its departments and agencies, and its officials and
4 employees shall be immune from all suits of whatever character,
5 whether sounding in law or in equity, relating to the boundaries
6 of land set aside without a survey.

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

12 Whenever lands set aside for a public purpose to the
13 various departments and agencies of the State, or to any city
14 and county, county, or other political subdivisions of the
15 State, or to the United States, are not being utilized or
16 required for the public purpose stated, the order setting aside
17 the lands shall be withdrawn and the lands shall be returned to
18 the department. The governor may withdraw public lands and,
19 with the prior approval of the board of land and natural
20 resources, set aside the withdrawn lands to another department
21 or agency of the State, the city and county, county, or



1 political subdivision of the State, or to the United States for
2 public use or purpose[~~r~~]; provided that no structure on such
3 lands shall be built, demolished, or altered until after the
4 legislative action or inaction as hereinbelow provided.

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

12 Whenever portions of lands set aside for a public purpose
13 to the various departments and agencies of the State, or to any
14 city and county, county, or other political subdivision of the
15 State are not presently utilized or required for the public
16 purpose stated, the board shall have the power, without
17 withdrawing the order setting aside the lands, to dispose of any
18 and all real property interest less than the fee in the portions
19 of such lands where the disposition is for a use which is
20 consistent or inconsistent with the purpose for which the land
21 was set aside. All funds derived from disposition by the board



1 shall be deposited in the general fund of the State or be paid
2 to the appropriate account; provided that all such dispositions
3 shall be with the prior written approval of the department,
4 agency, city and county, county, or other political subdivisions
5 of the State and the governor, and shall be undertaken in
6 compliance with all other applicable sections of this chapter."

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

9 SECTION 4. This Act shall take effect on July 1, 3050.



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. Effective 7/1/3050. (SD1)

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