

JAN 17 2025

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

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

SECTION 1. Section 171-6, Hawaii Revised Statutes, is amended to read as follows:

"§171-6 Powers. Except as otherwise provided by law, the board of land and natural resources shall have the powers and functions granted to the heads of departments and the board of land and natural resources under chapter 26.

In addition to the foregoing, the board may:

- (1) Adopt a seal;
 - (2) Administer oaths;
 - (3) Prescribe forms of instruments and documents;
 - (4) Adopt rules which, upon compliance with chapter 91, shall ~~have~~:
- (A) Have the force and effect of law; and
 - (B) Implement any federal regulation as it existed on January 1, 2025, in the area of public lands of the State and minerals thereon and all water and coastal areas of the State except commercial



1 harbor areas of the State, including soil
2 conservation function, forests and forest
3 reserves, aquatic life, wildlife resources, state
4 parks, historic sites, and all activities
5 including boating, ocean recreation, and coastal
6 areas programs that it deems are in the public
7 interest;

8 (5) Set, charge, demand, and collect reasonable fees for
9 the preparation of documents to be issued, for the
10 surveying of public lands, and for the issuing of
11 certified copies of its government records, which
12 fees, when collected, shall be deposited into the
13 state general fund, unless otherwise specified in this
14 chapter;

15 (6) Establish additional restrictions, requirements, or
16 conditions, consistent with those prescribed in this
17 chapter, relating to the use of particular land being
18 disposed of, the terms of sale, lease, license, or
19 permit, and the qualifications of any person to draw,
20 bid, or negotiate for public land;



(7) Reduce or waive the lease rental at the beginning of the lease on any lease of public land to be used for any agricultural or pastoral use, or for resort, commercial, industrial, or other business use where the land being leased requires substantial improvements to be placed thereon; provided that the reduction or waiver shall not exceed two years for land to be used for any agricultural or pastoral use, or exceed one year for land to be used for resort, commercial, industrial, or other business use. When a lease for resort, commercial, industrial, or other business or residential purposes requires a lessee to demolish existing improvements or provide basic infrastructure, including drainage, sewer, water, electricity, and other utilities, before the lessee can make productive use of the land, the board may approve a reduction or waiver of lease rental for a period of up to twenty years; provided that the aggregate amount of the reduced or waived lease rental shall not exceed the amount of the lessee's total



expenditures for demolition or provision of the
infrastructure;

(8) Delegate to the chairperson or employees of the
department of land and natural resources, subject to
the board's control and responsibility, powers and
duties as may be lawful or proper for the performance
of the functions vested in the board;

(9) Use arbitration under chapter 658A to settle any
controversy arising out of any existing or future
lease;

(10) Set, charge, and collect reasonable fees in an amount
sufficient to defray the cost of performing or
otherwise providing for the inspection of activities
permitted upon the issuance of a land license
involving a commercial purpose;

(11) Appoint hearing officers to conduct public hearings as
provided by law and under conditions as the board by
rules shall establish;

(12) Bring actions as may be necessary to remove or remedy
encroachments upon public lands. Any person causing
an encroachment upon public land shall:



- 1 (A) Be fined no more than \$1,000 a day for the first
2 offense;
- 3 (B) Be fined no less than \$1,000 nor more than \$4,000
4 per day upon the second offense and thereafter;
- 5 (C) If required by the board, restore the land to its
6 original condition if altered and assume the
7 costs thereof;
- 8 (D) Assume costs as may result from adverse effects
9 from restoration; and
- 10 (E) Be liable for administrative costs incurred by
11 the department and for payment of damages;
- 12 (13) Set, charge, and collect interest and a service charge
13 on delinquent payments due on leases, sales, or other
14 accounts. The rate of interest shall not exceed one
15 per cent a month and the service charge shall not
16 exceed \$50 a month for each delinquent payment;
17 provided that the contract shall state the interest
18 rate and the service charge and be signed by the party
19 to be charged;
- 20 (14) Set, charge, and collect additional rentals for the
21 unauthorized use of public lands by a lessee,



1 licensee, grantee, or permittee who is in violation of
2 any term or condition of a lease, license, easement,
3 or revocable permit, retroactive to the date of the
4 occurrence of the violation. The amounts shall be
5 considered delinquent payments and shall be subject to
6 interest and service charges as provided in
7 paragraph (13);

8 (15) Set, charge, and collect reasonable fines for
9 violation of this chapter or any rule adopted
10 thereunder. Any person engaging in any prohibited use
11 of public lands or conducting any prohibited activity
12 on public lands, or violating any of the other
13 provisions of this chapter or any rule adopted
14 thereunder, for which violation a penalty is not
15 otherwise provided, shall be:

16 (A) Fined no more than \$5,000 per violation for a
17 first violation or a violation beyond five years
18 of the last violation; provided that, after
19 written or verbal notification from the
20 department, an additional \$1,000 per day per



violation may be assessed for each day in which
the violation persists;

(B) Fined no more than \$10,000 per violation for a
second violation within five years of the last
violation; provided that, after written or verbal
notification from the department, an additional
\$2,000 per day per violation may be assessed for
each day in which the violation persists;

(C) Fined no more than \$20,000 per violation for a
third or subsequent violation within five years
of the last violation; provided that, after
written or verbal notification from the
department, an additional \$4,000 per day per
violation may be assessed for each day in which
the violation persists; and

(D) Liable for administrative costs and expenses
incurred by the department and for payment for
damages, including but not limited to natural
resource damages.

In addition to the fines, administrative costs, and
damages provided for hereinabove, for damage to or



1 theft of natural resources, the board may also set,
2 charge, and collect a fine that, in its discretion, is
3 appropriate considering the value of the natural
4 resource that is damaged or the subject of the theft.

5 In arriving at an appropriate fine, the board may
6 consider the market value of the natural resource
7 damaged or taken and any other factor it deems
8 appropriate, such as the loss of the natural resource
9 to its natural habitat and environment and the cost of
10 restoration or replacement. The remedies provided for
11 in this paragraph are cumulative and in addition to
12 any other remedies allowed by law.

13 No person shall be sanctioned pursuant to this section
14 for the exercise of native Hawaiian gathering rights
15 and traditional cultural practices as authorized by
16 law or as permitted by the department pursuant to
17 article XII, section 7, of the Hawaii state
18 constitution;

19 (16) Issue revenue bonds, subject to the approval of the
20 legislature. All revenue bonds shall be issued
21 pursuant to part III of chapter 39, except as provided



1 in this chapter. All revenue bonds shall be issued in
2 the name of the department and not in the name of the
3 State. The final maturity date of the revenue bonds
4 may be any date not exceeding thirty years from the
5 date of issuance;

6 (17) Pledge or assign all or any part of the receipts and
7 revenues of the department. The revenue bonds shall
8 be payable from and secured solely by the revenue
9 derived by the department from the industrial park or
10 parks for which the bonds are issued;

11 (18) Reimburse the state general fund for debt service on
12 general obligation bonds or reimbursable general
13 obligation bonds issued by the State for purposes of
14 this chapter;

15 (19) Notwithstanding part II of chapter 205A to the
16 contrary, plan, design, construct, operate, and
17 maintain any lands or facilities under the
18 jurisdiction of the division of boating and ocean
19 recreation of the department without the need to
20 obtain a special management area minor permit or
21 special management area use permit; and



1 (20) Do any and all things necessary to carry out its
2 purposes and exercise the powers granted in this
3 chapter."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'C. L.', written over a horizontal line.

S.B. NO. 1017

Report Title:

BLNR; Rules; Federal Regulations; Public Lands

Description:

Authorizes the Board of Land and Natural Resources to adopt by rule, any federal rule or regulation relating to the public lands of the State as it existed on 1/1/2025 that it deems are in the public interest.

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

