

JAN 17 2025

A BILL FOR AN ACT

RELATING TO LAND USE.

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 part to be appropriately designated and
3 to read as follows:

4 "PART . AGRICULTURAL FILM PRODUCTION LAND USE ACT.

5 §201-A Short title. This part shall be known as the
6 Agricultural Film Production Land Use Act.

7 §201-B Purpose. The purpose of this Act is to permit,
8 facilitate, and regulate responsible film production in
9 agricultural zoned lands while fostering collaboration with any
10 lineal descendants of the lands and ensuring the preservation,
11 respect, and sustainable use of these lands for future
12 generations. Encouragement of the film tourism industry shall
13 be fostered through responsible film production in agricultural
14 zoned lands that aims to showcase the cultural and historical
15 significance of agricultural zoned lands in the State.

16 §201-C Definitions. As used in this part:



1 "Agricultural zoned land" means land designated for
2 agricultural purposes under county zoning regulations.

3 "Film permit" means the official authorization granted by
4 relevant authorities for conducting film production on
5 agricultural zoned lands.

6 "Film production" means activities related to the creation
7 of visual media content including filming, photography, and
8 associated activities.

9 "Film production area" means a designated areas within the
10 agricultural zoned lands where film production is permitted.

11 "Lineal descendant" means an individual directly descended
12 from previous generations who has historical, ancestral, or
13 cultural ties to the film production area.

14 "Oversight committee" means the agricultural film
15 production land use oversight committee established pursuant to
16 section 201-E.

17 "Structural integrity check" means a periodic assessment to
18 ensure the stability and safety of any structure built for film
19 production purposes.

20 **§201-D Permissible film production within agricultural**
21 **zoned lands.** (a) Film production on agricultural zoned lands



1 is permitted pursuant to this part; provided that this part
2 shall only apply to counties with a population less than five
3 hundred thousand; provided further that:

4 (1) The land is not:

5 (A) Designated as important agricultural land under
6 chapter 205, part III, Hawaii Revised Statutes;

7 (B) Classified by the land study bureau's
8 classification system as class A or B; and

9 (C) Used for active agricultural crop production;

10 (2) The film production company shall obtain all necessary
11 film permits from the relevant government entities,
12 outlining the scope of film production and adherence
13 to guidelines; and

14 (3) The film production company shall make efforts to
15 involve lineal descendants in decision-making
16 processes concerning film production on agricultural
17 zoned lands with ancestral value, thereby respecting
18 the cultural heritage and historical significance of
19 these lands.

20 (b) Film production areas may include temporary setups,
21 such as tents for filming and catering.



1 (c) Film set pieces and temporary structures constructed
2 for film production purposes are permitted within film
3 production areas; provided that the film set pieces and
4 temporary structures comply with safety standards and undergo
5 regular structural integrity checks.

6 (d) Upon the request of the owner of the agricultural
7 zoned land, the ownership and maintenance responsibilities of
8 any film set piece and temporary structure may be transferred
9 from the film production company to the owner of the
10 agricultural zoned lands; provided that the terms of the
11 transfer are mutually agreed upon between both parties.

12 **§201-E Agriculture film production land use oversight**
13 **committee; establishment; responsibilities.** (a) There is
14 established within the creative industries division of the
15 department an agricultural film production land use oversight
16 committee consisting of experts in agriculture, conservation,
17 heritage, and filmmaking to monitor and enforce compliance with
18 regulations on film permit activities on agricultural zoned
19 lands.

20 (b) The oversight committee shall:



- 1 (1) Establish strict guidelines and oversight regarding
- 2 film production on agricultural zoned lands to ensure
- 3 responsible land use;
- 4 (2) Take adequate measures to address any environmental,
- 5 cultural, or societal concerns arising from film
- 6 production on agricultural zoned lands;
- 7 (3) Ensure that all film production areas follow
- 8 environmental and safety guidelines; and
- 9 (4) Conduct periodic reviews and revisions to ensure
- 10 effectiveness and alignment with evolving
- 11 agricultural, environmental, and cultural preservation
- 12 standards.

13 (c) All owners of any set pieces or temporary structures
14 constructed for film production purposes on agricultural zoned
15 lands shall schedule annual structural integrity checks with the
16 oversight committee to ensure compliance with safety standards.

17 **§201-F Rules.** The department may adopt rules pursuant to
18 chapter 91 necessary to effectuate the purposes of this part.

19 **§201-G Violations; penalties.** Any violation of this part
20 may result in fines, suspension or revocation of permits, and



1 other legal consequences as deemed appropriate by the oversight
2 committee established pursuant to section 201-E.

3 **§201-H Conflict with other regulations.** Upon adoption,
4 this part shall supersede any conflicting regulations to the
5 extent permitted by law."

6 SECTION 2. Section 205-6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§205-6 Special permit.** (a) Subject to this section, the
9 county planning commission may permit certain unusual and
10 reasonable uses within agricultural and rural districts other
11 than those for which the district is classified. Any person who
12 desires to use the person's land within an agricultural or rural
13 district other than for an agricultural or rural use, as the
14 case may be, may petition the planning commission of the county
15 within which the person's land is located for permission to use
16 the person's land in the manner desired. Each county may
17 establish the appropriate fee for processing the special permit
18 petition. Copies of the special permit petition shall be
19 forwarded to the land use commission, the office of planning and
20 sustainable development, and the department of agriculture for
21 their review and comment.



1 (b) The planning commission, upon consultation with the
2 central coordinating agency, except in counties where the
3 planning commission is advisory only in which case the central
4 coordinating agency, shall establish by rule or regulation, the
5 time within which the hearing and action on petition for special
6 permit shall occur. The county planning commission shall notify
7 the land use commission and [~~such~~] those persons and agencies
8 that may have an interest in the subject matter of the time and
9 place of the hearing.

10 (c) The county planning commission may, under [~~such~~]
11 protective restrictions as may be deemed necessary, permit the
12 desired use, but only when the use would promote the
13 effectiveness and objectives of this chapter; provided that a
14 use proposed for designated important agricultural lands shall
15 not conflict with any part of this chapter. A decision in favor
16 of the applicant shall require a majority vote of the total
17 membership of the county planning commission.

18 (d) Special permits for land the area of which is greater
19 than fifteen acres or for lands designated as important
20 agricultural lands shall be subject to approval by the land use
21 commission. The land use commission may impose additional



1 restrictions as may be necessary or appropriate in granting the
2 approval, including the adherence to representations made by the
3 applicant.

4 (e) A copy of the decision, together with the complete
5 record of the proceeding before the county planning commission
6 on all special permit requests involving a land area greater
7 than fifteen acres or for lands designated as important
8 agricultural lands, shall be transmitted to the land use
9 commission within sixty days after the decision is rendered.

10 Within forty-five days after receipt of the complete record
11 from the county planning commission, the land use commission
12 shall act to approve, approve with modification, or deny the
13 petition. A denial either by the county planning commission or
14 by the land use commission, or a modification by the land use
15 commission, as the case may be, of the desired use shall be
16 appealable to the circuit court of the circuit in which the land
17 is situated and shall be made pursuant to the Hawaii rules of
18 civil procedure.

19 (f) Land uses substantially involving or supporting
20 educational ecotourism, related to the preservation of native
21 Hawaiian endangered, threatened, proposed, and candidate



1 species, that are allowed in an approved habitat conservation
 2 plan under section 195D-21 or safe harbor agreement under
 3 section 195D-22, which are not identified as permissible uses
 4 within the agricultural district under sections 205-2 and
 5 205-4.5, may be permitted in the agricultural district by
 6 special permit under this section, on lands with soils
 7 classified by the land study bureau's detailed land
 8 classification as overall (master) productivity rating class C,
 9 D, E, or U.

10 (g) Land uses that are allowed pursuant to section 201-D,
 11 may be permitted in the agricultural district by special permit
 12 under this section."

13 SECTION 3. In codifying the new sections added by section
 14 1 of this Act, the revisor of statutes shall substitute
 15 appropriate section numbers for letters used in designating the
 16 new sections in this Act.

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

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

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INTRODUCED BY: *Therese M. Reardon*

S.B. NO. 516

Report Title:

Department of Business, Economic Development, and Tourism;
Creative Industries Division; Agricultural Film Production Land
Use Act; Agricultural Film Production Land Use Oversight
Committee

Description:

Permits film production on lands that are zoned for agricultural use in counties with a population of less than five hundred thousand and that meet other conditions. Establishes the Agricultural Film Production Land Use Oversight Committee to monitor and enforce compliance with regulations on film permit activities on agricultural zoned lands.

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