
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:

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

3 "§171-6 **Powers.** Except as otherwise provided by law, the
4 board of land and natural resources shall have the powers and
5 functions granted to the heads of departments and the board of
6 land and natural resources under chapter 26.

7 In addition to the foregoing, the board may:

8 (1) Adopt a seal;

9 (2) Administer oaths;

10 (3) Prescribe forms of instruments and documents;

11 (4) Adopt rules [~~which, upon compliance with~~] pursuant to
12 chapter 91[~~7~~] that shall [~~have~~]:

13 (A) Have the force and effect of law; and
14 (B) Implement any federal regulation as it existed on
15 January 1, 2025, in the area of public lands of
16 the State and minerals thereon and all water and
17 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;



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



1 expenditures for demolition or provision of the
2 infrastructure;

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

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

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

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

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



1 (A) Be fined [ne] not more than \$1,000 a day for the
2 first offense;

3 (B) Be fined [ne] not less than \$1,000 nor more than
4 \$4,000 per day upon the second offense and
5 thereafter;

6 (C) If required by the board, restore the land to its
7 original condition, if altered, and assume the
8 costs thereof;

9 (D) Assume costs as may result from adverse effects
10 from restoration; and

11 (E) Be liable for administrative costs incurred by
12 the department and for payment of damages;

13 (13) Set, charge, and collect interest and a service charge
14 on delinquent payments due on leases, sales, or other
15 accounts. The rate of interest shall not exceed one
16 per cent a month and the service charge shall not
17 exceed \$50 [a] per month for each delinquent payment;
18 provided that the contract shall state the interest
19 rate and the service charge and shall be signed by the
20 party to be charged;



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

18 (A) Fined [no] not more than \$5,000 per violation for
19 a first violation or a violation beyond five
20 years of the last violation; provided that, after
21 written or verbal notification from the



4 (B) Fined [no] not more than \$10,000 per violation
5 for a second violation within five years of the
6 last violation; provided that, after written or
7 verbal notification from the department, an
8 additional \$2,000 per day per violation may be
9 assessed for each day in which the violation
10 persists;

11 (C) Fined [no] not more than \$20,000 per violation
12 for a third or subsequent violation within five
13 years of the last violation; provided that, after
14 written or verbal notification from the
15 department, an additional \$4,000 per day per
16 violation may be assessed for each day in which
17 the violation persists; and

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



1 In addition to the fines, administrative costs, and
2 damages provided for hereinabove, ~~[for damage to or~~
3 ~~theft of natural resources,]~~ the board may also set,
4 charge, and collect a fine for damage to or theft of
5 natural resources that, in its discretion, is
6 appropriate considering the value of the natural
7 resource that is damaged or the subject of the theft.
8 In arriving at an appropriate fine, the board may
9 consider the market value of the natural resource
10 damaged or taken and any other factor it deems
11 appropriate, such as the loss of the natural resource
12 to its natural habitat and environment and the cost of
13 restoration or replacement. The remedies provided for
14 in this paragraph are cumulative and in addition to
15 any other remedies allowed by law.
16 No person shall be sanctioned pursuant to this section
17 for the exercise of native Hawaiian gathering rights
18 and traditional cultural practices as authorized by
19 law or as permitted by the department pursuant to
20 article XII, section 7, of the Hawaii ~~[state~~
21 ~~constitution,]~~ State Constitution;



- 1 (16) Issue revenue bonds, subject to the approval of the
- 2 legislature. All revenue bonds shall be issued
- 3 pursuant to part III of chapter 39, except as provided
- 4 in this chapter. All revenue bonds shall be issued in
- 5 the name of the department and not in the name of the
- 6 State. The final maturity date of the revenue bonds
- 7 may be any date not exceeding thirty years from the
- 8 date of issuance;
- 9 (17) Pledge or assign all or any part of the receipts and
- 10 revenues of the department. The revenue bonds shall
- 11 be payable from and secured solely by the revenue
- 12 derived by the department from the industrial park or
- 13 parks for which the bonds are issued;
- 14 (18) Reimburse the state general fund for debt service on
- 15 general obligation bonds or reimbursable general
- 16 obligation bonds issued by the State for purposes of
- 17 this chapter;
- 18 (19) Notwithstanding part II of chapter 205A to the
- 19 contrary, plan, design, construct, operate, and
- 20 maintain any lands or facilities under the
- 21 jurisdiction of the division of boating and ocean



1 recreation of the department without the need to
2 obtain a special management area minor permit or
3 special management area use permit; and

4 (20) Do any and all things necessary to carry out its
5 purposes and exercise the powers granted in this
6 chapter."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

10

INTRODUCED BY: 



S.B. NO. 2976

Report Title:

BLNR; Rules; Federal Regulations; Public Lands

Description:

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

