

JAN 23 2026

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# 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:



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- 1 (A) Be fined [~~no~~] not more than \$1,000 a day for the
- 2 first offense;
- 3 (B) Be fined [~~no~~] 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;



1       (14) Set, charge, and collect additional rentals for the  
2            unauthorized use of public lands by a lessee,  
3            licensee, grantee, or permittee who is in violation of  
4            any term or condition of a lease, license, easement,  
5            or revocable permit, retroactive to the date of the  
6            occurrence of the violation. The amounts shall be  
7            considered delinquent payments and shall be subject to  
8            interest and service charges as provided in paragraph  
9            (13);

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 [~~not~~] 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



department, an additional \$1,000 per day per violation may be assessed for each day in which the violation persists;

(B) Fined [~~ne~~] not 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 [~~ne~~] not 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.



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



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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.

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INTRODUCED BY:

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**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.*

