

JAN 21 2026

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## A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that the State's pristine  
2 natural landscapes and cultural settings have long provided  
3 iconic backdrops for motion pictures, television, and other  
4 creative industries that generate significant economic activity.

5 According to the department of business, economic development,  
6 and tourism, in 2021, the Hawaii film production industry  
7 contributed an estimated \$728 million in direct and induced  
8 economic activity and supported 51,231 jobs in the State. In  
9 addition, studies show that film-induced tourism is a powerful  
10 driver of visitor demand, with visitors frequently citing films  
11 as inspiration for travel.

12 The legislature further finds that smaller counties--  
13 Hawaii, Maui, Kauai, and Kalawao--possess abundant agricultural  
14 zoned lands suitable for limited, temporary, and carefully  
15 managed film production. Allowing film production subject to  
16 stringent oversight will stimulate rural economies and create  
17 new revenue streams for landowners without compromising



1 long-term agricultural viability. The legislature recognizes  
2 that lands designated as important agricultural lands,  
3 high-productivity soils, and culturally or environmentally  
4 sensitive areas must be safeguarded from incompatible or  
5 degrading uses. Coordination with the county planning  
6 commissions, land use commission, and other relevant state  
7 agencies is essential to maintain statutory protections and  
8 uphold constitutional obligations relating to Native Hawaiian  
9 traditional and customary practices.

10 Accordingly, the purpose of this Act is to:

11 (1) Permit, facilitate, and regulate responsible film  
12 production on certain agricultural zoned lands in  
13 certain counties under certain conditions; and  
14 (2) Establish the agricultural film production land use  
15 oversight committee to establish film permit  
16 application requirements and processes, facilitate the  
17 issuance of special and use permits for film  
18 production within agricultural districts, and advise  
19 and make recommendations relating to the regulation of  
20 film productions on agricultural zoned lands.



1 SECTION 2. Chapter 201, Hawaii Revised Statutes, is  
2 amended by adding a new subpart to part IX to be appropriately  
3 designated and to read as follows:

4 **"SUBPART . AGRICULTURAL FILM PRODUCTION LAND USE ACT.**

5 **§201-A Short title.** This subpart 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 on agricultural  
14 zoned lands that aims to showcase the cultural and historical  
15 significance of agricultural zoned lands in the State.

16 **§201-C Applicability.** This subpart shall apply only to  
17 counties with a population of less than five hundred thousand.

18 **§201-D Definitions.** As used in this subpart:

19 "Agricultural zoned parcel" means land that is designated:  
20 (1) For agricultural use under county zoning regulations;  
21 and



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

7 "Film production" means a short-term temporary activity  
8 related to the creation of visual media content, including  
9 motion pictures, television and streaming series, and commercial  
10 photography that are not part of ongoing agricultural  
11 operations.

12 "Film production area" means a designated areas within the  
13 agricultural zoned parcels where film production is permitted.

"Important agricultural land" means land identified and designated as important agricultural land pursuant to part III of chapter 205.

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



**1** "Oversight committee" means the agricultural film  
**2** production land use oversight committee established pursuant to  
**3** section 201-F.

4 "Structural integrity check" means a periodic assessment to  
5 ensure the stability and safety of any structure built for film  
6 production purposes.

## §201-E Permissible film production on an agricultural

8 **zoned parcel.** (a) Film production on an agricultural zoned  
9 parcel is permitted pursuant to this subpart; provided that:

**10** (1) The parcel is not:

**11** (A) Designated as important agricultural land;

**12** (B) Land with soil classified by the land study

13 bureau's detailed land classification as overall  
14 (master) productivity rating class A or B; and

**15** (C) Used for active agricultural crop production;

16 (2) The film production company shall obtain all necessary  
17 film permits, including special permits pursuant to  
18 section 205-6, from the relevant government entities,  
19 outlining the scope of film production and adherence  
20 to guidelines; and



1 (3) The film production company shall make efforts to  
2 involve lineal descendants in decision-making  
3 processes concerning film production on an  
4 agricultural zoned parcel with ancestral value,  
5 thereby respecting the cultural heritage and  
6 historical significance of these lands.

9 (c) Film set pieces and temporary structures constructed  
10 for film production purposes are permitted within film  
11 production areas; provided that the film set pieces and  
12 temporary structures comply with safety standards and undergo  
13 regular structural integrity checks.

14 (d) Upon the request of the owner of the agricultural  
15 zoned parcel, the ownership and maintenance responsibilities of  
16 any film set piece and temporary structure may be transferred  
17 from the film production company to the owner of the  
18 agricultural zoned parcel; provided that the terms of the  
19 transfer are mutually agreed upon between both parties.

20       §201-F Agriculture film production land use oversight  
21 committee; establishment; powers and responsibilities;



1 **penalties; rules.** (a) There is established an agricultural  
2 film production land use oversight committee, to be placed  
3 within the creative industries division of the department for  
4 administrative purposes only, to serve as a coordinating body  
5 and advise the department's regulation of filmmaking on  
6 agricultural land.

7 (b) The oversight committee shall comprise the following:

**8** (1) Four ex officio, voting members, including:

9 (A) The director of business, economic development,  
10 and tourism or their designee;

11 (B) The chairperson of the board of agriculture and  
12 biosecurity or their designee;

13 (C) The chairperson of the board of land and natural  
14 resources or their designee; and

15 (D) The director of the office of planning and  
16 sustainable development or their designee;

17 (2) Three voting members, who shall be appointed by the  
18 governor in accordance with section 26-34, including:

19 (A) One member of the board of trustees of the office  
20 of the University of Illinois.



1 (B) One member with experience in commercial film  
2 production; and  
3 (C) One member with expertise in agriculture and  
4 conservation.

5 (c) The oversight committee:  
6 (1) Shall establish, in coordination with the appropriate  
7 county planning commission or department, land use  
8 commission, office of Hawaiian affairs, office of  
9 planning and sustainable development, department of  
10 land and natural resources, and department of  
11 agriculture and biosecurity:  
12 (A) Film permit application requirements, fees,  
13 timelines, bonding and insurance minimums, and  
14 structural inspection protocol; and  
15 (B) Processes for cultural review and biological  
16 surveys, including requirements for mitigation  
17 and restoration efforts;  
18 (2) Shall facilitate the issuance and approval of a  
19 special permits for film productions within  
20 agricultural districts pursuant to section 205-6, in  
21 coordination with the appropriate county planning



1 commission or department, land use commission, office  
2 of planning and sustainable development, and  
3 department of agriculture and biosecurity; and

4 (3) May advise and make recommendations on any fine or  
5 other penalty for non-compliance with this subpart;  
6 provided that:

10 (B) Conduct an administrative hearing; provided  
11 further that any person aggrieved by the  
12 oversight committee's decision, shall be entitled  
13 to judicial review as provided by section 91-14.

14 (d) The oversight committee shall advise the department on  
15 the adoption of rules pursuant to section 201-G.

16        **§201-G Rules.** The department shall adopt rules pursuant  
17 to chapter 91 necessary to effectuate the purposes of this  
18 subpart.

19           **§201-H Violations; penalties.** Any violation of this  
20        subpart may result in fines, suspension or revocation of  
21        permits, and other legal consequences as deemed appropriate by



1 the department, and in accordance with rules adopted pursuant to  
2 section 201-G.

3 **§201-I Conflict with other regulations.** This subpart  
4 shall supersede any conflicting regulations to the extent  
5 permitted by law; provided that nothing in this subpart shall be  
6 construed to supplant the authority of the counties or land use  
7 commission to issue, approve, suspend, revoke, or enforce  
8 permits, including special use permits."

9 SECTION 3. Part IX of Chapter 201, Hawaii Revised  
10 Statutes, is amended by designating sections 201-111 to 201-115  
11 as subpart A, and inserting a title before section 201-111 to  
12 read as follows:

13 "A. GENERAL PROVISIONS"

14 SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) Within the agricultural district, all lands with soil  
17 classified by the land study bureau's detailed land  
18 classification as overall (master) productivity rating class A  
19 or B and for solar energy facilities, class B or C, shall be  
20 restricted to the following permitted uses:



- 1       (1) Cultivation of crops, including crops for bioenergy,  
2                    flowers, vegetables, foliage, fruits, forage, and  
3                    timber;
- 4       (2) Game and fish propagation;
- 5       (3) Raising of livestock, including poultry, bees, fish,  
6                    or other animal or aquatic life that are propagated  
7                    for economic or personal use;
- 8       (4) Farm dwellings, employee housing, farm buildings, or  
9                    activities or uses related to farming and animal  
10                  husbandry. For the purposes of this paragraph, "farm  
11                  dwelling" means a single-family dwelling located on  
12                  and accessory to a farm, including clusters of  
13                  single-family farm dwellings permitted within  
14                  agricultural parks developed by the State, or where  
15                  agricultural activity provides income to the family  
16                  occupying the dwelling;
- 17       (5) Public institutions and buildings that are necessary  
18                  for agricultural practices;
- 19       (6) Public and private open area types of recreational  
20                  uses, including day camps, picnic grounds, parks, and  
21                  riding stables, but not including dragstrips,



1 airports, drive-in theaters, golf courses, golf  
2 driving ranges, country clubs, and overnight camps;  
3 provided that overnight camps in operation before  
4 January 1, 1961, may be approved by special permit;

5 (7) Public, private, and quasi-public utility lines and  
6 roadways, transformer stations, communications  
7 equipment buildings, solid waste transfer stations,  
8 major water storage tanks, and appurtenant small  
9 buildings such as booster pumping stations, but not  
10 including offices or yards for equipment, material,  
11 vehicle storage, repair or maintenance, treatment  
12 plants, corporation yards, or other similar  
13 structures;

14 (8) Retention, restoration, rehabilitation, or improvement  
15 of buildings or sites of historic or scenic interest;

16 (9) Agricultural-based commercial operations as described  
17 in section 205-2(d)(15);

18 (10) Buildings and uses, including mills, storage, and  
19 processing facilities, maintenance facilities,  
20 photovoltaic, biogas, and other small-scale renewable  
21 energy systems producing energy solely for use in the



1 agricultural activities of the fee or leasehold owner  
2 of the property, and vehicle and equipment storage  
3 areas that are normally considered directly accessory  
4 to the above-mentioned uses and are permitted under  
5 section 205-2(d);

6 (11) Agricultural parks;  
7 (12) Plantation community subdivisions, which as used in  
8 this chapter means an established subdivision or  
9 cluster of employee housing, community buildings, and  
10 agricultural support buildings on land currently or  
11 formerly owned, leased, or operated by a sugar or  
12 pineapple plantation; provided that the existing  
13 structures may be used or rehabilitated for use, and  
14 new employee housing and agricultural support  
15 buildings may be allowed on land within the  
16 subdivision as follows:

17 (A) The employee housing is occupied by employees or  
18 former employees of the plantation who have a  
19 property interest in the land;



1 (B) The employee housing units not owned by their  
2 occupants shall be rented or leased at affordable  
3 rates for agricultural workers; or  
4 (C) The agricultural support buildings shall be  
5 rented or leased to agricultural business  
6 operators or agricultural support services;

7 (13) Agricultural tourism conducted on a working farm, or a  
8 farming operation as defined in section 165-2, for the  
9 enjoyment, education, or involvement of visitors;  
10 provided that the agricultural tourism activity is  
11 accessory and secondary to the principal agricultural  
12 use and does not interfere with surrounding farm  
13 operations; provided further that this paragraph shall  
14 apply only to a county that has adopted ordinances  
15 regulating agricultural tourism under section 205-5;

16 (14) Agricultural tourism activities, including overnight  
17 accommodations of twenty-one days or less, for any one  
18 stay within a county; provided that this paragraph  
19 shall apply only to a county that includes at least  
20 three islands and has adopted ordinances regulating  
21 agricultural tourism activities pursuant to section



1                   205-5; provided further that the agricultural tourism  
2                   activities coexist with a bona fide agricultural  
3                   activity. For the purposes of this paragraph, "bona  
4                   fide agricultural activity" means a farming operation  
5                   as defined in section 165-2;

6                   (15) Wind energy facilities, including the appurtenances  
7                   associated with the production and transmission of  
8                   wind generated energy; provided that the wind energy  
9                   facilities and appurtenances are compatible with  
10                  agriculture uses and cause minimal adverse impact on  
11                  agricultural land;

12                  (16) Biofuel processing facilities, including the  
13                  appurtenances associated with the production and  
14                  refining of biofuels that is normally considered  
15                  directly accessory and secondary to the growing of the  
16                  energy feedstock; provided that biofuel processing  
17                  facilities and appurtenances do not adversely impact  
18                  agricultural land and other agricultural uses in the  
19                  vicinity.

20                  For the purposes of this paragraph:



1                   "Appurtenances" means operational infrastructure  
2                   of the appropriate type and scale for economic  
3                   commercial storage and distribution, and other similar  
4                   handling of feedstock, fuels, and other products of  
5                   biofuel processing facilities.

6                   "Biofuel processing facility" means a facility  
7                   that produces liquid or gaseous fuels from organic  
8                   sources such as biomass crops, agricultural residues,  
9                   and oil crops, including palm, canola, soybean, and  
10                  waste cooking oils; grease; food wastes; and animal  
11                  residues and wastes that can be used to generate  
12                  energy;

13 (17) Agricultural-energy facilities, including  
14                  appurtenances necessary for an agricultural-energy  
15                  enterprise; provided that the primary activity of the  
16                  agricultural-energy enterprise is agricultural  
17                  activity. To be considered the primary activity of an  
18                  agricultural-energy enterprise, the total acreage  
19                  devoted to agricultural activity shall be no less than  
20                  ninety per cent of the total acreage of the  
21                  agricultural-energy enterprise. The



1 agricultural-energy facility shall be limited to lands  
2 owned, leased, licensed, or operated by the entity  
3 conducting the agricultural activity.

4 As used in this paragraph:

5 "Agricultural activity" means any activity  
6 described in paragraphs (1) to (3) of this subsection.

7 "Agricultural-energy enterprise" means an  
8 enterprise that integrally incorporates an  
9 agricultural activity with an agricultural-energy  
10 facility.

11 "Agricultural-energy facility" means a facility  
12 that generates, stores, or distributes renewable  
13 energy as defined in section 269-91 or renewable fuel  
14 including electrical or thermal energy or liquid or  
15 gaseous fuels from products of agricultural activities  
16 from agricultural lands located in the State.

17 "Appurtenances" means operational infrastructure  
18 of the appropriate type and scale for the economic  
19 commercial generation, storage, distribution, and  
20 other similar handling of energy, including equipment,



1                   feedstock, fuels, and other products of  
2                   agricultural-energy facilities;

3                   (18) Construction and operation of wireless communication  
4                   antennas, including small wireless facilities;  
5                   provided that, for the purposes of this paragraph,  
6                   "wireless communication antenna" means communications  
7                   equipment that is either freestanding or placed upon  
8                   or attached to an already existing structure and that  
9                   transmits and receives electromagnetic radio signals  
10                  used in the provision of all types of wireless  
11                  communications services; provided further that "small  
12                  wireless facilities" shall have the same meaning as in  
13                  section 206N-2; provided further that nothing in this  
14                  paragraph shall be construed to permit the  
15                  construction of any new structure that is not deemed a  
16                  permitted use under this subsection;

17                  (19) Agricultural education programs conducted on a farming  
18                  operation as defined in section 165-2, for the  
19                  education and participation of the general public;  
20                  provided that the agricultural education programs are  
21                  accessory and secondary to the principal agricultural



1 use of the parcels or lots on which the agricultural  
2 education programs are to occur and do not interfere  
3 with surrounding farm operations. For the purposes of  
4 this paragraph, "agricultural education programs"  
5 means activities or events designed to promote  
6 knowledge and understanding of agricultural activities  
7 and practices conducted on a farming operation as  
8 defined in section 165-2;

9 (20) Solar energy facilities that do not occupy more than  
10 ten per cent of the acreage of the parcel, or twenty  
11 acres of land, whichever is lesser or for which a  
12 special use permit is granted pursuant to section  
13 205-6; provided that this use shall not be permitted  
14 on lands with soil classified by the land study  
15 bureau's detailed land classification as overall  
16 (master) productivity rating class A;

17 (21) Solar energy facilities on lands with soil classified  
18 by the land study bureau's detailed land  
19 classification as overall (master) productivity rating  
20 B or C for which a special use permit is granted  
21 pursuant to section 205-6; provided that:



1 (A) The area occupied by the solar energy facilities  
2 is also made available for compatible  
3 agricultural activities at a lease rate that is  
4 at least fifty per cent below the fair market  
5 rent for comparable properties;

6 (B) Proof of financial security to decommission the  
7 facility is provided to the satisfaction of the  
8 appropriate county planning commission before the  
9 date of commencement of commercial generation;  
10 and

11 (C) Solar energy facilities shall be decommissioned  
12 at the owner's expense according to the following  
13 requirements:

14 (i) Removal of all equipment related to the  
15 solar energy facility within twelve months  
16 of the conclusion of operation or useful  
17 life; and

18 (ii) Restoration of the disturbed earth to  
19 substantially the same physical condition as  
20 existed before the development of the solar  
21 energy facility.



1           For the purposes of this paragraph, "agricultural  
2           activities" means the activities described in  
3           paragraphs (1) to (3);  
4           (22) Geothermal resources exploration and geothermal  
5           resources development, as defined under section 182-1;  
6           (23) Hydroelectric facilities, including the appurtenances  
7           associated with the production and transmission of  
8           hydroelectric energy, subject to section 205-2;  
9           provided that the hydroelectric facilities and their  
10          appurtenances:  
11           (A) Shall consist of a small hydropower facility as  
12           defined by the United States Department of  
13           Energy, including:  
14            (i) Impoundment facilities using a dam to store  
15            water in a reservoir;  
16            (ii) A diversion or run-of-river facility that  
17            channels a portion of a river through a  
18            canal or channel; and  
19            (iii) Pumped storage facilities that store energy  
20            by pumping water uphill to a reservoir at  
21            higher elevation from a reservoir at a lower



**3** (B) Comply with the state water code, chapter 174C;

4 (C) Shall, if over five hundred kilowatts in

5 hydroelectric generating capacity, have the

6 approval of the commission on water resource

7 management, including a new instream flow

**8** standard established for any new hydroelectric

9 facility; and

(D) Do not impact or impede the use of agricultural

11 land or the availability of surface or ground

water for all uses on all parcels that are served

13 by the ground water sources or streams for which

hydroelectric facilities are considered; [or]

15 (24) Temporary filming activity as a conditional accessory

use; provided that the appropriate county planning

17 commission or department approves the activity and the

18 department of agriculture and biosecurity finds that

the activity is compatible with existing agricultural

use; provided further that the activity shall not:





11 SECTION 5. Section 205-6, Hawaii Revised Statutes, is  
12 amended to read as follows:

13        "**§205-6 Special permit.** (a) Subject to this section, the  
14 county planning commission may permit certain unusual and  
15 reasonable uses within agricultural and rural districts other  
16 than those for which the district is classified. Any person who  
17 desires to use the person's land within an agricultural or rural  
18 district other than for an agricultural or rural use, as the  
19 case may be, may petition the planning commission of the county  
20 within which the person's land is located for permission to use  
21 the person's land in the manner desired. Each county may



1 establish the appropriate fee for processing the special permit  
2 petition. Copies of the special permit petition shall be  
3 forwarded to the land use commission, the office of planning and  
4 sustainable development, and the department of agriculture and  
5 biosecurity for their review and comment.

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

15 (c) The county planning commission may, under [sueh]  
16 protective restrictions as may be deemed necessary, permit the  
17 desired use, but only when the use would promote the  
18 effectiveness and objectives of this chapter; provided that a  
19 use proposed for designated important agricultural lands shall  
20 not conflict with any part of this chapter. A decision in favor



1 of the applicant shall require a majority vote of the total  
2 membership of the county planning commission.

3 (d) Special permits for land the area of which is greater  
4 than fifteen acres or for lands designated as important  
5 agricultural lands shall be subject to approval by the land use  
6 commission. The land use commission may impose additional  
7 restrictions as may be necessary or appropriate in granting the  
8 approval, including the adherence to representations made by the  
9 applicant.

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

16 Within forty-five days after receipt of the complete record  
17 from the county planning commission, the land use commission  
18 shall act to approve, approve with modification, or deny the  
19 petition. A denial either by the county planning commission or  
20 by the land use commission, or a modification by the land use  
21 commission, as the case may be, of the desired use shall be



1 appealable to the circuit court of the circuit in which the land  
2 is situated and shall be made pursuant to the Hawaii rules of  
3 civil procedure.

4 (f) Land uses substantially involving or supporting  
5 educational ecotourism, related to the preservation of native  
6 Hawaiian endangered, threatened, proposed, and candidate  
7 species, that are allowed in an approved habitat conservation  
8 plan under section 195D-21 or safe harbor agreement under  
9 section 195D-22, which are not identified as permissible uses  
10 within the agricultural district under sections 205-2 and  
11 205-4.5, may be permitted in the agricultural district by  
12 special permit under this section, on lands with soils  
13 classified by the land study bureau's detailed land  
14 classification as overall (master) productivity rating class C,  
15 D, E, or U.

16 (g) Authorized land uses pursuant to section 201-E may be  
17 permitted in the agricultural district by special permit  
18 obtained under this section."

19 SECTION 6. In codifying the new sections added by  
20 section 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for letters used in designating the  
2 new sections in this Act.

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

5 SECTION 8. This Act shall take effect upon its approval.

6

INTRODUCED BY:

*Mark W. Rutledge Jr.*



# S.B. NO. 2156

**Report Title:**

DBEDT; Creative Industries Division; Agricultural Film Production Land Use Act; Agricultural Film Production Land Use Oversight Committee; Rules

**Description:**

Permits film production on certain lands zoned for agricultural use under certain conditions, including obtaining land use special permits. Establishes the Agricultural Film Production Land Use Oversight Committee within the Creative Industries Division of the Department of Business, Economic Development, and Tourism to establish film permit application requirements and processes, facilitate the issuance of special permits for film production on agricultural zoned parcels, and advise and make recommendations relating to the regulation of film productions on agricultural zoned lands. Requires the Department of Business, Economic Development, and Tourism to adopt rules. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district. Includes film production on agricultural zone parcels as a permitted use of land within the agricultural district under special permits.

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

