

JAN 19 2024

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 the film
2 production company shall obtain all necessary film permits from
3 the relevant government entities, outlining the scope of film
4 production and adherence to guidelines; provided further that
5 the film production company shall make efforts to involve lineal
6 descendants in decision-making processes concerning film
7 production on agricultural zoned lands with ancestral value,
8 thereby respecting the cultural heritage and historical
9 significance of these lands.

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

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

17 (d) Upon the request of the owner of the agricultural
18 zoned land, the ownership and maintenance responsibilities of
19 any film set piece and temporary structure may be transferred
20 from the film production company to the owner of the



1 agricultural zoned lands; provided that the terms of the
2 transfer are mutually agreed upon between both parties.

3 **§201-E Agriculture film production land use oversight**
4 **committee; establishment; responsibilities.** (a) There is
5 established within the creative industries division of the
6 department an agricultural film production land use oversight
7 committee consisting of experts in agriculture, conservation,
8 heritage, and filmmaking to monitor and enforce compliance with
9 regulations on film permit activities on agricultural zoned
10 lands.

11 (b) The oversight committee shall:

12 (1) Establish strict guidelines and oversight regarding
13 film production on agricultural zoned lands to ensure
14 responsible land use;

15 (2) Take adequate measures to address any environmental,
16 cultural, or societal concerns arising from film
17 production on agricultural zoned lands;

18 (3) Ensure that all film production areas follow
19 environmental and safety guidelines; and

20 (4) Conduct periodic reviews and revisions to ensure
21 effectiveness and alignment with evolving



1 agricultural, environmental, and cultural preservation
2 standards.

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

7 **§201-F Rules.** The department may adopt rules pursuant to
8 chapter 91 necessary to effectuate the purposes of this part.

9 **§201-G Violations; penalties.** Any violation of this part
10 may result in fines, suspension or revocation of permits, and
11 other legal consequences as deemed appropriate by the oversight
12 committee established pursuant to section 201-E.

13 **§201-H Conflict with other regulations.** Upon adoption,
14 this part shall supersede any conflicting regulations to the
15 extent permitted by law."

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

18 **"§205-6 Special permit.** (a) Subject to this section, the
19 county planning commission may permit certain unusual and
20 reasonable uses within agricultural and rural districts other
21 than those for which the district is classified. Any person who



1 desires to use the person's land within an agricultural or rural
2 district other than for an agricultural or rural use, as the
3 case may be, may petition the planning commission of the county
4 within which the person's land is located for permission to use
5 the person's land in the manner desired. Each county may
6 establish the appropriate fee for processing the special permit
7 petition. Copies of the special permit petition shall be
8 forwarded to the land use commission, the office of planning and
9 sustainable development, and the department of agriculture for
10 their review and comment.

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

20 (c) The county planning commission may, under such
21 protective restrictions as may be deemed necessary, permit the



1 desired use, but only when the use would promote the
2 effectiveness and objectives of this chapter; provided that a
3 use proposed for designated important agricultural lands shall
4 not conflict with any part of this chapter. A decision in favor
5 of the applicant shall require a majority vote of the total
6 membership of the county planning commission.

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

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

20 Within forty-five days after receipt of the complete record
21 from the county planning commission, the land use commission



1 shall act to approve, approve with modification, or deny the
2 petition. A denial either by the county planning commission or
3 by the land use commission, or a modification by the land use
4 commission, as the case may be, of the desired use shall be
5 appealable to the circuit court of the circuit in which the land
6 is situated and shall be made pursuant to the Hawaii rules of
7 civil procedure.

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



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

4 SECTION 3. In codifying the new sections added by section
5 1 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for letters used in designating the
7 new sections in this Act.

8 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: *Keith M. Renteria*



S.B. NO. 2789

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. 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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