
A BILL FOR AN ACT

RELATING TO PROTECTION OF FOREST RESERVES.

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

PART I

1 SECTION 1. Chapter 183, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§183- General administrative penalties. (a) Except as
5 otherwise provided by law, the board or its authorized
6 representative may set, charge, and collect administrative
7 finances, administrative fees, and costs, including attorney's fees
8 and costs, and costs associated with land or habitat restoration
9 resulting from a violation of this chapter, any rule adopted, or
10 permit issued thereunder.

11 (b) The administrative fines for violation of this chapter
12 shall be as follows:

13 (1) For a first violation, or any violation not preceded
14 within a five-year period by a violation of this
15 chapter, a fine of not more than \$2,500 per violation;



1 (2) For a second violation within five years of a previous
2 violation of this chapter, a fine of not more than
3 \$5,000 per violation; and

4 (3) For a third or subsequent violation within five years
5 of the last violation of this chapter, a fine of not
6 more than \$10,000 per violation.

7 (c) In addition:

8 (1) A fine of up to \$10,000 per violation of section
9 183-17 may be levied for each destroyed or harvested
10 koa tree, or portion thereof, larger than six inches
11 in diameter at ground level; and

12 (2) A fine of up to \$2,000 per violation of section 183-17
13 may be levied for each destroyed or harvested tree or
14 plant, other than koa, or portion thereof, larger than
15 six inches in diameter at ground level.

16 (d) Any criminal prosecution for any violation of this
17 chapter or any rule adopted thereunder shall not be deemed to
18 preclude the State from recovering additional administrative
19 finances, fees, and costs, including attorney's fees and costs.

20 (e) No person shall be sanctioned pursuant to this section
21 for the exercise of native Hawaiian gathering rights and

1 traditional cultural practices as authorized by law or by
2 permission from the department.

3 (f) The department shall submit an annual report outlining
4 the revenues generated by the penalties to the legislature at
5 least twenty days before the convening of each regular session."

6 SECTION 2. Section 183-18, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§183-18** [~~Penalty.~~] **Criminal penalties.** Any person who
9 violates section 183-17, upon conviction thereof, is guilty of a
10 misdemeanor and shall be fined not more than [~~\$1,000~~] \$2,000 or
11 imprisoned not more than one year, or both. In addition to any
12 other penalty imposed under this section, a fine of up to \$2,000
13 shall be levied for each tree illegally destroyed or harvested
14 under section 183-17."

15 PART II

16 SECTION 3. The legislature finds that the current statute
17 requires that income from the harvest and sale of certain forest
18 products and tree seedlings of the forest reserves be deposited
19 into the forest stewardship fund, but provides that "other
20 moneys accrued from any forest reserve or the products thereof"
21 be deposited into the general fund.



1 The purpose of this part is to provide that all revenues
2 derived from the forest reserves be deposited into the forest
3 stewardship fund to, among other things, protect the forest
4 reserves by:

5 (1) Deleting confusing and contradictory language
6 requiring the depository of "other moneys accrued from
7 any forest reserve or the products thereof" into the
8 general fund; and

9 (2) Adding that other products, services, or values
10 derived from the forest reserves and moneys from fines
11 and penalties be deposited into the forest stewardship
12 fund.

13 SECTION 4. Section 183-16, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§183-16** [~~Income~~] Revenue from forest reserves. [~~(a)~~]

16 Any moneys accrued from:

17 (1) The harvest of non-native forest products from forest
18 reserves;

19 (2) The harvest of native forest products from degraded
20 forests as defined in section 186-5.5, within forest
21 reserves;



- 1 (3) The sale of forest products found dead and lying on
- 2 the ground; [øx]
- 3 (4) The sale of tree seedlings from state nurseries;
- 4 (5) The sale of any other products or services, or
- 5 anything of value derived from forest reserves not
- 6 described above; or
- 7 (6) The imposition of fines or penalties for violations of
- 8 this chapter and chapters 185 and 195F or any rule
- 9 adopted thereunder,

10 shall be deposited into the forest stewardship fund.

11 ~~[-(b) Any other moneys accrued from any forest reserve or~~
12 ~~the products thereof shall be deposited into the general fund.] "~~

13 SECTION 5. Section 195F-4, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) There is established a special fund within the state
16 treasury known as the forest stewardship fund which shall be
17 used as follows:

- 18 (1) Payments shall be made by the board pursuant to
- 19 agreements entered into with qualified landowners to
- 20 further the purposes of this chapter;
- 21 (2) Moneys collected from [the]:

1 (A) The harvest of non-native forest products from
2 forest reserves [~~from the~~];

3 (B) The harvest of native forest products from
4 degraded forests as defined in section 186-5.5,
5 within forest reserves [~~from~~];

6 (C) The sale of forest products found dead and lying
7 on the ground [~~or from the~~];

8 (D) The sale of tree seedlings from [the] state
9 nurseries [~~from~~];

10 (E) The sale of any other products or services, or
11 anything of value derived from forest reserves
12 not described above; or

13 (F) The imposition of fines or penalties for
14 violations of this chapter and chapters 185 and
15 195F or any rule adopted thereunder;

16 shall be used for [~~the following activities: (A)~~
17 Replanting];

18 (i) Replanting, managing, and maintaining
19 designated timber management areas; [~~(B)~~
20 Enhancing]

Report Title:

Conservation; Forests

Description:

Establishes general administrative penalties for violations of the forest reserves law. Increases criminal fines for timber trespass. Allows all revenue derived from forest reserves, including fines or penalties for violations, to be deposited into the Forest Stewardship Fund for management of the State Forest Reserve System. (SB2358 HD2)

