
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:

7 (1) Set, charge, and collect administrative fines;
8 (2) Bring legal action to recover administrative fines,
9 fees, and costs, including attorney's fees and costs
10 and costs associated with land or habitat restoration;
11 and

12 (3) Collect administrative fees and costs pursuant to
13 paragraph (2),
14 resulting from a violation of this chapter, any rule adopted, or
15 permit issued thereunder.

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



- 1 (1) For a first violation, or any violation not preceded
2 within a five-year period by a violation, a fine of
3 not more than \$2,500 per violation;
- 4 (2) For a second violation within five years of a previous
5 violation, a fine of not more than \$5,000 per
6 violation; and
- 7 (3) For a third or subsequent violation within five years
8 of the last two violations, a fine of not more than
9 \$10,000 per violation.
- 10 (c) A fine of up to \$2,000 per violation may be levied for
11 each destroyed or harvested tree or plant, or portion thereof,
12 other than koa, larger than six inches in diameter at ground
13 level.
- 14 (d) A fine of up to \$10,000 per violation may be levied
15 for each destroyed or harvested koa tree, or portion thereof,
16 larger than six inches in diameter at ground level.
- 17 (e) Any criminal prosecution for any violation of this
18 chapter or any rule adopted thereunder shall not be deemed to
19 preclude the State from recovering additional administrative
20 finances, fees, and costs, including attorney's fees and costs.



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; [~~or~~]
- 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 chapters 183, 185, and 195F or any rule adopted
- 9 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 [~~7~~ ~~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 [~~7~~ ~~from~~];

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

8 (D) The sale of tree seedlings from [the] state
9 nurseries [~~7~~];

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 chapters 183, 185, and 195F or any
15 rule adopted thereunder;

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

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

20 (ii) Enhancing the management of public forest
21 reserves with an emphasis on restoring degraded
22 koa forests; and [~~(C) Developing~~



1 (iii) Developing environmental education and training
2 programs pertaining to sustainable forestry;
3 provided that the activities described in
4 [~~subparagraphs (B) and (C)~~] clauses (ii) and (iii) may
5 not be funded unless the activities described in
6 approved management plans pertaining to [~~subparagraph~~
7 ~~(A)~~] clause (i) are adequately funded; and

8 (3) Moneys deposited into the fund as authorized by
9 section 247-7 may also be used by the department to
10 administer the program~~[.]~~ and manage the forest
11 reserve system."

12 PART III.

13 SECTION 6. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.

16 SECTION 7. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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



SB 2358
SD 2
HD1

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 HD1)