
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 of this
3 chapter, a fine of not more than \$2,500 per violation;

4 (2) For a second violation within five years of a previous
5 violation of this chapter, a fine of not more than
6 \$5,000 per violation; and

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

10 (c) In addition:

11 (1) A fine of up to \$10,000 per violation of section
12 183-17 may be levied for each destroyed or harvested
13 koa tree, or portion thereof, larger than six inches
14 in diameter at ground level; and

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

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

1 moneys accrued from any forest reserve or the products thereof"
2 be deposited into the general fund.

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

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

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

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

17 "**§183-16** [~~Income~~] Revenue from forest reserves. [-a+]

18 Any moneys accrued from:

19 (1) The harvest of non-native forest products from forest
20 reserves;

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

4 (3) The sale of forest products found dead and lying on
5 the ground; [~~or~~]

6 (4) The sale of tree seedlings from state nurseries;

7 (5) The sale of any other products or services, or
8 anything of value derived from forest reserves not
9 described above; or

10 (6) The imposition of fines or penalties for violations of
11 this chapter and chapters 185 and 195F or any rule
12 adopted thereunder,

13 shall be deposited into the forest stewardship fund.

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

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

18 "(a) There is established a special fund within the state
19 treasury known as the forest stewardship fund which shall be
20 used as follows:

- 1 (1) Payments shall be made by the board pursuant to
2 agreements entered into with qualified landowners to
3 further the purposes of this chapter;
- 4 (2) Moneys collected from ~~[the]~~ :
- 5 (A) The harvest of non-native forest products from
6 forest reserves~~[, from the]~~ ;
- 7 (B) The harvest of native forest products from
8 degraded forests as defined in section 186-5.5,
9 within forest reserves~~[, from]~~ ;
- 10 (C) The sale of forest products found dead and lying
11 on the ground~~[, or from the]~~ ;
- 12 (D) The sale of tree seedlings from ~~[the]~~ state
13 nurseries~~[,]~~ ;
- 14 (E) The sale of any other products or services, or
15 anything of value derived from forest reserves
16 not described above; or
- 17 (F) The imposition of fines or penalties for
18 violations of this chapter and chapters 185 and
19 195F or any rule adopted thereunder;
- 20 shall be used for ~~[the following activities: (A)~~
21 ~~Replanting,~~ ;



- 1 (i) Replanting, managing, and maintaining
- 2 designated timber management areas; [~~B~~
- 3 ~~Enhancing~~]
- 4 (ii) Enhancing the management of public forest
- 5 reserves with an emphasis on restoring
- 6 degraded koa forests; and [~~C~~—~~Developing~~]
- 7 (iii) Developing environmental education and
- 8 training programs pertaining to sustainable
- 9 forestry;

10 provided that the activities described in

11 [~~subparagraphs (B) and (C)~~] clauses (ii) and (iii) may

12 not be funded unless the activities described in

13 approved management plans pertaining to [~~subparagraph~~

14 ~~(A)~~] clause (i) are adequately funded; and

15 (3) Moneys deposited into the fund as authorized by

16 section 247-7 may also be used by the department to

17 administer the program[~~-~~] and manage the forest

18 reserve system."

PART III

20 SECTION 6. This Act does not affect rights and duties that

21 matured, penalties that were incurred, and proceedings that were

22 begun, before its effective date.

1 SECTION 7. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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. (CD1)

