
A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL
AND LIVE ROCK.

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

1 SECTION 1. Section 187A-12.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~187A-12.5~~§~~ **General administrative penalties.** (a)
4 Except as otherwise provided by law, the board is authorized to
5 set, charge, and collect administrative fines and to recover
6 administrative fees and costs, including attorney's fees and
7 costs, or bring legal action to recover administrative fines,
8 fees, and costs, including attorney's fees and costs, or payment
9 for damages or for the cost to correct damages resulting from a
10 violation of subtitle 5 of title 12 or any rule adopted
11 thereunder.

12 (b) For violations involving threatened or endangered
13 species, the administrative fines shall be as follows:

14 (1) For a first violation, a fine of not more than \$5,000;

15 (2) For a second violation within five years of a previous
16 violation, a fine of not more than \$10,000; and



1 (3) For a third or subsequent violation within five years
2 of the last violation, a fine of not more than
3 \$15,000.

4 (c) For all other violations, the administrative fines
5 shall be as follows:

6 (1) For a first violation, a fine of not more than \$1,000;

7 (2) For a second violation within five years of a previous
8 violation, a fine of not more than \$2,000; and

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

11 (d) In addition to subsection (b), a fine of up to \$5,000
12 may be levied for each specimen of threatened or endangered
13 aquatic life taken, killed, or injured in violation of subtitle
14 5 of title 12 or any rule adopted thereunder.

15 (e) In addition to subsection (c), a fine may be levied
16 for damaging or breaking stony coral or live rock in an amount
17 equal to the greater of:

18 (1) Up to \$10,000 per square meter of area damaged; or

19 (2) The value of the particular area damaged, determined
20 by using an accepted economic valuation method.

21 This subsection shall apply only for an act that is intentional
22 or in total disregard of damaging or breaking stony coral or



1 live rock in an area of not less than square feet. This
2 subsection shall not apply if the damage is caused by an act
3 committed in an emergency situation where life and limb are
4 threatened.

5 [~~e~~] (f) In addition to subsection (c), a fine of up to
6 \$1,000 may be levied for each specimen of all other aquatic life
7 taken, killed, or injured in violation of subtitle 5 of title 12
8 or any rule adopted thereunder.

9 [~~f~~] (g) Any criminal penalty for any violation of
10 subtitle 5 of title 12 or any rule adopted thereunder shall not
11 be deemed to preclude the State from recovering additional
12 administrative fines, fees, and costs, including attorney's fees
13 and costs.

14 (h) For the purposes of this section:

15 "Accepted economic valuation method" means a valuation
16 approach to estimating the value of a reef within a total
17 economic framework, including considering such indicia as direct
18 and indirect uses, option values, bequest values, and existence
19 values.

20 "Breaking" means hitting or applying sufficient force to
21 reduce to smaller pieces or to crack without actually separating
22 into pieces.



1 "Damaging" means causing extensive injury resulting in
2 irreparable harm or death.

3 "Live rock" means any rock or coral to which marine life is
4 visibly attached.

5 "Stony coral" means any of a variety of invertebrate
6 species belonging to the order *Scleractinia* characterized by
7 having a hard, calcareous skeleton that are native to the
8 Hawaiian Islands."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Administrative Penalties; Stony Coral and Live Rock Damage

Description:

Imposes administrative fines for intentional damage to stony coral and live rock based on a flat rate of \$10,000 per square meter or the value of the damaged area based on an accepted economic valuation method. Effective 7/1/2050. (SD2)

