
A BILL FOR AN ACT

RELATING TO CONSERVATION AND RESOURCES.

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

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

4 "PART . SANDALWOOD

5 **§183-A Duties; sandalwood.** In addition to the duties
6 listed in section 183-1.5, the department shall:

- 7 (1) Support reforestation efforts throughout the State for
8 all native sandalwood species with the objective of
9 replenishing native sandalwood species forests to the
10 level that those forests existed in 1777;
- 11 (2) Provide incentives to local entrepreneurs to cultivate
12 native sandalwood species in plantations for either
13 reforestation programs or commercial operations;
- 14 (3) Provide support for programs that ensure the
15 sustainability of commercial sandalwood operations in
16 the State;
- 17 (4) Enforce penalties against persons who violate this
18 part; and



1 (5) Establish rules regarding the issuance of permits for
2 harvesting or destroying a native sandalwood species
3 tree.

4 **§183-B Identification; destruction, harvesting, or**
5 **exporting of sandalwood trees.** (a) The department shall
6 identify native sandalwood tree species in the State.

7 (b) It shall be unlawful to destroy or harvest a tree of a
8 native sandalwood species identified by the department pursuant
9 to subsection (a) without a permit issued by the department.

10 (c) Any person who destroys or harvests a native
11 sandalwood species tree shall replant native sandalwood species
12 trees in an amount determined by the department, which shall
13 monitor the replanting efforts and the success rate of the
14 seedlings that are replanted.

15 (d) It shall be unlawful to export raw or unprocessed
16 timber of any native sandalwood species outside the State except
17 with a permit issued by the department.

18 (e) The department shall adopt rules pursuant to chapter
19 91 to effectuate the purposes of this section.

20 **§183-C Permits.** (a) Subject to chapter 91, the department
21 shall adopt rules regarding the issuance of a permit to destroy
22 or harvest a tree of a native sandalwood species described in



1 section 183-B(a) or to export raw or unprocessed timber of any
2 native sandalwood species outside the State. The rules shall
3 include provisions for:

- 4 (1) Requirements to obtain a permit;
- 5 (2) Duration of a permit;
- 6 (3) Terms of a permit; and
- 7 (4) Disqualifications that will prevent the approval of a
8 permit.

9 (b) No original permit or license for the harvesting,
10 destruction, or exportation outside of the State of any native
11 sandalwood species not described in section 183-B(a) shall be
12 issued by any officer or agency of the State without the prior
13 approval and concurrence of the department. In determining
14 whether to grant or withhold such approval, the department shall
15 be guided by the standards set forth in chapter 183C.

16 **§183-D Fees.** (a) Any person who holds a permit issued
17 pursuant to section 183-B(b) who harvests trees of a native
18 sandalwood species for commercial purposes shall pay to the
19 department a fee equal to per cent of the dollar value of
20 the sandalwood or sandalwood products harvested or sold and
21 shall pay a processing fee of \$.



1 (b) All fees except processing fees collected pursuant to
2 subsection (a) shall be deposited in the treasury of the State
3 for use by the department for forestry purposes and all such
4 sums as may be so collected and deposited are appropriated for
5 those purposes. Processing fees collected under subsection (a)
6 shall be deposited into the forest stewardship fund established
7 under section 195F-4 to support forest management and
8 restoration.

9 **§183-E Criminal penalties.** Any person who violates
10 section 183-B, upon conviction thereof, shall be guilty of a
11 misdemeanor and shall be fined not more than \$ or
12 imprisoned not more than one year, or both. In addition to any
13 other penalty imposed under this section, fines and penalties in
14 accordance with sections 183-5 and 183-18 shall be levied for
15 each tree illegally destroyed or harvested under section 183-B.
16 Fines collected pursuant to this section shall be deposited into
17 the forest stewardship fund established under section 195F-4.

18 **§183-F Definitions.** As used in this part, "native
19 sandalwood species" or "native sandalwood tree species" means
20 those tree species of the genus *Santalum* identified by the
21 department as currently existing in the State."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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 the letters used in designating
7 the new sections in this Act.

8 SECTION 4. This Act shall take effect on July 1, 2012.



Report Title:

Sandalwood; DLNR

Description:

Establishes penalties for the destruction or harvesting of native sandalwood trees. Requires replanting for trees harvested. Requires a permit to export raw or unprocessed sandalwood timber. Establishes Department of Land and Natural Resources policies regarding sandalwood. Effective July 1, 2012. (HB1793 HD1)

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