

JAN 22 2016

A BILL FOR AN ACT

RELATING TO COMMERCIAL FOREST PRODUCTS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **COMMERCIAL FORESTRY**

6 § -1 **Definitions.** As used in this chapter, unless the
7 context indicates otherwise:

8 "Board" means the board of land and natural resources.

9 "Commercial forest product dealer" or "dealer" means any
10 person who sells or offers for sale, purchases or attempts to
11 purchase, exchanges, or acts as an agent in the transfer of, any
12 forest product harvested within the State for commercial
13 purposes.

14 "Commercial purposes" means the purposes of selling or
15 trading the forest product for profit or gain.

16 "Department" means the department of land and natural
17 resources.



1 "Forest product" means wood or other plant material.

2 "Harvest" means to cut down or remove.

3 § -2 Commercial forestry license. (a) No person shall
4 harvest any forest product for commercial purposes from a forest
5 reserve, established pursuant to section 183-11, or private land
6 in a conservation district without first obtaining a commercial
7 forestry license as provided in this chapter.

8 (b) This chapter shall apply to owners of land that
9 harvest any forest product for commercial purposes from their
10 own land.

11 (c) This chapter shall not be construed to prohibit any
12 person from exercising native Hawaiian gathering rights or
13 traditional cultural practices as authorized by law or as
14 permitted by the department pursuant to article XII, section 7,
15 of the Hawaii constitution.

16 § -3 Rules. The department shall adopt rules pursuant
17 to chapter 91 necessary for the purpose of this chapter,
18 including establishing the fees for commercial forestry licenses
19 and duplicate commercial forestry licenses; provided that until
20 the department establishes rules, the fee for a commercial



1 forestry license shall be \$100 and the fee for a duplicate
2 commercial forestry license shall be \$20.

3 § -4 Suspension, revocation, or denial of a commercial
4 forestry license. The department shall suspend; refuse to
5 renew, reinstate, or restore; or deny any license issued under
6 this chapter if the department has received certification from
7 the child support enforcement agency pursuant to section 576D-13
8 that the licensee or applicant is not in compliance with an
9 order of support or has failed to comply with a subpoena or
10 warrant relating to a paternity or child support proceeding.
11 The department shall issue, renew, reinstate, or restore a
12 license only upon receipt of authorization from the child
13 support enforcement agency, the office of child support
14 hearings, or the family court.

15 § -5 Commercial forestry licensee; monthly report. (a)
16 Every commercial forestry licensee shall furnish to the
17 department a monthly report with respect to the forest products
18 harvested, the forest products sold, the location where the
19 forest products were harvested, the identity of the purchaser,
20 and any other information the department may require for the
21 purposes of this section.



1 (b) Any information submitted to the department by any
2 person in compliance with any requirement under this section
3 shall be confidential and shall not be disclosed, except when
4 required under court order or pursuant to subpoena issued by the
5 department of the attorney general, or with the prior written
6 consent of the person submitting the information, or under
7 cooperative agreements with government agencies of the United
8 States for exchange and use of the information specifically to
9 manage forest life. The department, by rule, may establish
10 procedures necessary to preserve the confidentiality, except
11 that the department may release or make public any of the
12 information in the aggregate or summary form that does not
13 directly or indirectly disclose the identity of any person who
14 submits information.

15 § -6 Commercial forest product dealers. (a) The
16 department may require a commercial forest product dealer to
17 obtain a commercial forest product dealer license to sell or
18 offer for sale, to purchase or attempt to purchase, to exchange,
19 or to act as an agent in the transfer of, any forest product
20 harvested within the State for commercial purposes.



1 (b) No person shall sell or offer for sale, purchase or
2 attempt to purchase, exchange, or act as an agent in the
3 transfer of, any forest product harvested within the State for a
4 commercial purpose, that is obtained from any person whom the
5 department has required to have, but does not have, a valid
6 commercial forestry license, commercial forest product dealer
7 license, or other license or permit authorizing the sale,
8 purchase, exchange, or transfer of a forest product for a
9 commercial purpose.

10 (c) Upon the written demand of the department, any
11 commercial forest product dealer shall render to the department
12 a true and correct statement showing the name of the commercial
13 forest product dealer; the year, month, day, description,
14 number, and value of each of the species of forest product
15 purchased, transferred, exchanged, or sold during the previous
16 month; the name and current license number of the commercial
17 forestry licensee from whom the forest product was obtained; and
18 other information as the department may require.

19 (d) The department may require a license of any person to
20 export any forest product taken within the jurisdiction of the
21 State for a commercial purpose.



1 § -7 Receipts in duplicate. (a) Every commercial
2 forest product dealer shall issue receipts to the person from
3 whom the forest product is obtained and provide the following
4 information in the receipt:

- 5 (1) The date of the issuance;
- 6 (2) The name of the person to whom the receipt is issued;
- 7 (3) The following information with respect to each of the
8 varieties of forest product the department shall
9 require including:

- 10 (A) A description of each of the varieties received;
- 11 (B) The measurements or other applicable numbers of
12 the forest products; and
- 13 (C) The price paid; and
- 14 (4) The signature of the dealer who issues the receipt.

15 (b) Any commercial forest product dealer harvesting the
16 dealer's own forest products or handling any forest products
17 harvested by commercial forestry licensees working for or with
18 the dealer, shall make out the same receipt, giving market price
19 for the forest products as prevails on the date of receipt. A
20 duplicate copy of this receipt shall be kept on file at the
21 premise where the forest product was sold by the dealer issuing



1 the same for a period of twelve months from the date of
2 issuance, and the duplicate copy shall be available for
3 inspection upon the demand of any conservation officer
4 authorized to enforce the laws of the State.

5 § -8 Penalties. (a) Any person violating any of the
6 provisions of this chapter for which a penalty is not otherwise
7 provided, or any rule of the department adopted thereunder,
8 shall be guilty of a misdemeanor and punishable as provided in
9 subsection (b); provided that in the case of a corporation
10 violating any of the provisions of this chapter, only the fine
11 shall be imposed; provided that any officer of the corporation
12 who wilfully procures or permits the violation of the provisions
13 by the corporation shall be punishable as in the case of an
14 individual violating the same.

15 (b) The punishment, in addition to any other penalties,
16 shall be a fine of not less than the value of the forest product
17 at the point of sale.

18 (c) The board, after notice and opportunity for hearing,
19 may fine any person who violates this part not more than the
20 amount established in subsection (b). Any action taken to



1 impose or collect the penalty provided for in this subsection
2 shall be considered a civil action.

3 (d) The fines specified in this section shall not be
4 suspended or waived."

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

8 SECTION 3. This Act shall take effect on July 1, 2016.

9

INTRODUCED BY:

Therese L. Swartz
Mike Gubbard
James J. Slon
Matt L.



S.B. NO. 2532

Report Title:

Commercial Forest Products; Logging; Trees

Description:

Requires anyone harvesting forest trees or plants for commercial purposes to obtain a license and submit monthly reports to DLNR.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

