

SB 2451

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HAWAII



SUZANNE D. CASE
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WATER, LAND, AND AGRICULTURE

Wednesday, February 17, 2016
2:45 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2451
RELATING TO CHAPTER 183, HAWAII REVISED STATUTES

Senate Bill 2451 proposes to clarify that any person who violates: (1) Section 183-17, Hawaii Revised Statutes (HRS), (timber trespass in forest reserves) shall be guilty of a misdemeanor; or (2) a provision of Part II of Chapter 183, HRS, (forest reserves) or any rule adopted pursuant thereto, other than Section 183-17, HRS, shall be guilty of a petty misdemeanor. This bill would also repeal the general penalty provision of Chapter 183, HRS. **The Department of Land and Natural Resources (Department) supports this measure with suggested amendments.**

Currently, Part II (Forest Reserves) of Chapter 183, HRS, does not allow for criminal penalties, except for timber trespass offenses. There are other types of offenses, including violations of administrative rules that warrant the imposition of a stricter penalty.

Establishing statutory authority for a criminal penalty to apply to any violation of Forest Reserves, or any rules adopted pursuant thereto, would strengthen the Department's enforcement capabilities, and allow for greater protection of the State's natural resources. This bill ensures a mechanism for pursuing enforcement actions when warranted, as well as providing a stronger deterrent for unauthorized and illegal use of public resources.

Section 183-4, HRS, authorizes general (civil) penalties for violations of Chapters 183 to 185, HRS; however, civil penalties are already provided in Section 183-5, HRS, and Section 184-5.5, HRS. Further while Chapter 185, HRS, pertaining to land fire protection, does not include a civil penalty, it does provide for criminal penalties under Section 185-7, HRS. Due to the serious risk of harm to people, the environment, wildlife, and habitat, the Department feels that violations of

Chapter 185, HRS, should carry only criminal penalties - given the above, Section 183-4, HRS, is proposed for repeal.

Finally, the Department is requesting an amendment to Section 183-5(c), HRS, regarding general administrative penalties for violation of Section 183-17, HRS, that requires fines for destroyed or harvested koa and other trees or plants on state lands, be amended to allow for fines to be based on the current market value of the damaged or harvested resources. Currently, the statute only warrants a fine up to \$10,000 per koa tree and \$2,000 for all other forest products. These fines do not discourage theft because the current value of the forest products, such as for koa or Hawaiian sandalwood, far exceeds the dollar amount of these fines.

From: mailinglist@capitol.hawaii.gov
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SB2451

Submitted on: 2/9/2016

Testimony for WLA on Feb 17, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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