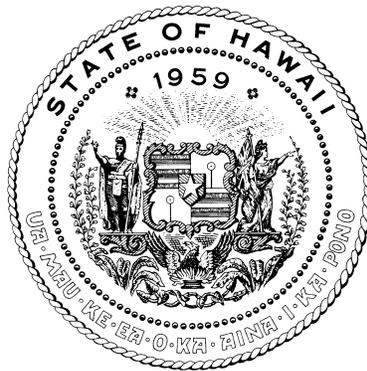


REPORT TO THE TWENTY-NINTH LEGISLATURE
STATE OF HAWAII
2017 REGULAR SESSION

REVENUES GENERATED FROM GENERAL ADMINISTRATIVE PENALTIES IMPOSED
UNDER CHAPTER 183, HAWAII REVISED STATUTES



Prepared by

DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
STATE OF HAWAII

In response to Section 183-5, Hawaii Revised Statutes

November 2016

REVENUES GENERATED FROM GENERAL ADMINISTRATIVE PENALTIES IMPOSED UNDER CHAPTER 183, HAWAII REVISED STATUTES

PURPOSE

This report complies with Section 183-5, Hawaii Revised Statutes (HRS), and covers specific topics relating to the protection of the State Forest Reserve System (FRS). Act 174, Session Laws of Hawaii (SLH) 2006, in part amended Chapter 183, HRS, by adding a new section entitled, "General Administrative Penalties." This section authorizes the Board of Land and Natural Resources (Board) or its authorized representative to impose administrative penalties in the form of fines, fees, and other costs for violations of Chapter 183, HRS, and associated rules. The Department of Land and Natural Resources (Department) is also required to submit an annual report to the Hawaii State Legislature outlining revenues generated by these administrative penalties. This annual report covers the period from July 1, 2015 to June 30, 2016.

BACKGROUND

The administrative penalties for violations of Chapter 183, HRS, became effective in June of 2006, by way of Act 174, SLH 2006. This Act authorizes the Board or its authorized representative to impose administrative penalties in the form of fines, fees, and other costs for violations of Chapter 183, HRS, and associated rules. The Department sought this particular change to HRS due to a notable increase in the occurrence and severity of violations, particularly the theft or unpermitted harvest of highly valuable koa timber resources from the State FRS. The Department appreciates the attention that this report and related laws have drawn to this important issue.

Prior to Act 174, SLH 2006, the Department believed that existing language within Chapter 183, HRS, created a situation whereby certain penalties for violations, particularly large-scale theft of timber or other resources on FRS lands, did not effectively deter illegal harvesting because the potential value of the resources taken far exceeded any penalties that could be imposed by the State upon a violator.

With the enactment of Act 174, SLH 2006, a framework for effective enforcement of penalties and timely prosecution of those in violation of Chapter 183, HRS, and associated rules was established. Act 174, SLH 2006, has helped to protect the State FRS by, among other things: 1) Allowing the Board to set and collect administrative penalties, including bringing legal action to recover fines, fees, and other costs resulting from violations of Chapter 183, HRS, and associated rules; 2) Increasing the criminal fine amount for timber trespass, including the removal of any timber within the State FRS; and 3) Establishing specific administrative penalty levels for repeat offenders or violations of varying severity.

REVENUES GENERATED

No revenues were generated during this reporting period.

CONCLUSION

This law is very important for the protection of public resources within the State FRS. However, the Department believes that amending fines for destroying or harvesting trees and plants on lands within the State FRS to an amount up to three times the market value at the time and place of the violation for each tree or plant and the cost of restoration or replacement of the habitat would provide a stronger deterrent for unauthorized and illegal use of public resources.