

JAN 29 2015

A BILL FOR AN ACT

RELATING TO THE NATURAL RESOURCE OF NATIVE HAWAIIAN SANDALWOOD,
ILIAHI.

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

1 SECTION 1. The purpose of this Act is to protect native
2 species of sandalwood trees by:

3 (1) Requiring the department of land and natural resources
4 to take action in support and in protection of native
5 sandalwood; and

6 (2) Establishing criminal penalties for the illegal
7 destruction or harvesting of native sandalwood trees.

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

11 **"PART . SANDALWOOD**

12 **§183-A Duties; sandalwood.** In addition to the duties
13 listed in section 183-1.5, the department shall:

14 (1) Support reforestation efforts throughout the State for
15 all native sandalwood species with the objective of



- 1 replenishing native sandalwood species forests to the
2 level that those forests existed prior to 1800;
- 3 (2) Provide incentives to local entrepreneurs to cultivate
4 native sandalwood species in plantations for either
5 reforestation programs or commercial operations;
- 6 (3) Provide support for programs that ensure the
7 sustainability of commercial sandalwood operations in
8 the State; and
- 9 (4) Enforce penalties against persons who violate this
10 part.

11 **§183-B Destruction or harvesting of sandalwood trees.** (a)

12 It shall be unlawful to destroy or harvest a tree of a native
13 sandalwood species that is determined by the department to have
14 been in existence prior to the year 1778.

15 (b) It shall be unlawful to destroy or harvest a tree of a
16 native sandalwood species not described in subsection (a)
17 without a license issued by the department.

18 (c) Any person who destroys or harvests a native
19 sandalwood species tree shall replant native sandalwood species
20 trees in an amount equal to the total estimated age of all trees
21 destroyed or harvested; provided that the department shall



1 monitor the replanting efforts and the success rate of the
2 seedlings that are replanted.

3 (d) It shall be unlawful to export raw or unprocessed
4 timber of any native sandalwood species outside the State.

5 **§183-C Fees.** (a) Any person licensed pursuant to section
6 183-B(b) who harvests trees of a native sandalwood species for
7 commercial purposes shall pay to the department a fee equal to
8 per cent of the dollar value of the sandalwood or
9 sandalwood products harvested or sold.

10 (b) All fees collected pursuant to subsection (a) shall be
11 deposited in the treasury of the State for use by the department
12 for forestry purposes and all such sums as may be so collected
13 and deposited are appropriated for those purposes.

14 **§183-D Criminal penalties.** Any person who violates
15 section 183-B, upon conviction thereof, is guilty of a
16 misdemeanor and shall be fined not more than \$ or
17 imprisoned not more than one year, or both. In addition to any
18 other penalty imposed under this section, a fine of up to
19 \$ shall be levied for each tree illegally destroyed or
20 harvested under section 183-B."



S.B. NO. 1286

1 SECTION 3. 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 4. This Act shall take effect upon approval.
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INTRODUCED BY: _____

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S.B. NO. 1286

Report Title:

Sandalwood; Department of Land and Natural Resources; Criminal Penalties for Illegal Destruction or Harvest

Description:

Provides that the department of land and natural resources has the duty to support and protect native sandalwood trees; provides for the assessment of fees for a permit to harvest native sandalwood; establishes criminal penalties for the illegal destruction or harvest of native sandalwood.

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