

ACT 337

S.B. NO. 3225

A Bill for an Act Relating to Protection of Lands.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 183, Hawaii Revised Statutes, is amended by amending its title to read as follows:

“FOREST [RESERVATIONS,] RESERVES,
WATER DEVELOPMENT, ZONING”

SECTION 2. Section 183-13, Hawaii Revised Statutes, is amended to read as follows:

“§183-13 Hearing. At the time and place named, a full hearing shall be given by [the governor and] the department of land and natural resources, to all who desire to be heard upon the subject matter of the notice. The hearing shall be public, and shall be conducted under such rules [and regulations] as the [governor] department may [direct] adopt. [Any hearing may be continued, postponed or adjourned to such time or times, place or places as the governor may direct.]

SECTION 3. Section 183-19, Hawaii Revised Statutes, is amended to read as follows:

“§183-19 Exclusion of [stock] livestock from forest [reservations,] reserves, game management areas, [and] public hunting areas[;], and natural area reserves; notice. When branded wild cattle or horses are found on any forest land, game management area, [or] public hunting area, or natural area reserve in the State, which land is duly set apart and established as a forest [reservation,] reserve, game management area, [or] public hunting area, or natural area reserve, or if the land is privately owned and surrendered as defined in section 183-15, the department, in all cases where the land is so set apart and established as a forest [reservation,] reserve, game management area, [or] public hunting area, or natural area reserve, whether from privately owned lands or public lands, may remove, shoot, or destroy the cattle or horses without compensation to the owner, after thirty days’ public notice and three insertions of the intended action [has] have been given by publication in a newspaper of general circulation in the county where the cattle or horses are found.”

SECTION 4. Section 183-20, Hawaii Revised Statutes, is amended to read as follows:

“§183-20 Disposition. The department may, at any time, without notice to the owners, remove any and all cattle or horses found on any forest [reservation] reserve, game management area, public hunting area, or natural area reserve and may hold and care for all such cattle or horses in some convenient place, at the expense of the owners, subject to the lien for charges and expenses as herein provided [for]. The owners of the cattle or horses shall pay to the department the actual expenses reasonably incurred, which shall include, but not be limited to, allowances for employees’ wages, equipment cost, transportation cost, feeding cost, cost of advertising notice, and other costs related to the catching, driving, and transportation of animals. After the cattle or horses have been removed and held [as aforesaid], the owners shall be notified personally of this fact, if the owners be known, and shall be notified of the total amount of the charges and expenses to be paid for the release of the cattle or horses.

[The department shall also, in all cases, where] When the owners are unknown or cannot be found, [cause] the department shall publish a statement and notice [to be published] in a newspaper of general circulation [published] in the county in which the cattle or horses are held[, which]. The statement shall set forth the general description and the brands of all the cattle or horses so removed and held[, as aforesaid,] and shall notify the owners and the public generally that unless the charges and costs to be specified in the notice shall have been paid on or before the date therein specified, which date shall not be less than two weeks from the date of the last publication of the notice, the cattle or horses therein described [will] shall be sold at public auction for cash to the highest bidder for the purpose of satisfying the lien on the same for the costs and charges in the notice set forth. The notice shall be published once a week for four consecutive weeks (four insertions). If the charges and costs, together with such additional expenses as may have been

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incurred since the first publication of the notice, are not paid before the date stated in the notice, the cattle or horses shall on that date be sold[, as aforesaid] and all charges and other expenses shall be satisfied out of the proceeds of the sale and the balance paid to the owner or owners of the cattle or horses. If no claim is made for any balance within sixty days after the date of sale, the same shall be deposited in the treasury of the State as a government realization and all private rights therein and thereto shall be thereafter forever barred.”

SECTION 5. Section 183-21, Hawaii Revised Statutes is amended to read as follows:

“**§183-21 Penalties.** Any person who receives actual notice from the department [of land and natural resources] that one or more cattle or horses belonging to such person have been found to be and are [running] on any forest [reservation] reserve, game management area, public hunting area, or natural area reserve referred to in section 183-19, excepting in the case of the owner of the land, and who fails or neglects within ten days after the receipt of the notice to remove the cattle or horses from any [reservation,] area or reserve, or to shoot or destroy the cattle or horses, shall be fined \$10 for each animal belonging to the person thereafter found on any forest [reservation] reserve, game management area, public hunting area, or natural area reserve and proven to have been [running] thereon at the time of the service of the notice. If any cattle or horses [as to which notice has been served on the owner, after the expiration of the ten days’ notice, shall not be removed and shall be found running] are still found on any forest [reservation,] reserve, game management area, public hunting area, or natural area reserve, more than ten days after the notice has been served on the owner regarding those same cattle or horses, the department may remove, shoot, or destroy the cattle or horses without compensation to the owner. All cattle or horses found [running] on any forest [reservation] reserve, game management area, public hunting area, or natural area reserve shall be deemed prima facie to be the property of the person whose brand if any they bear.”

SECTION 6. Sections 183-1.5, 183-11, 183-12, 183-14, 183-15, 183-16, 183-17, Hawaii Revised Statutes, are amended by substituting the words “reserve” and “reserves” for the words “reservation” and “reservations”.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 13, 1988.)