

STAND. COM. REP. NO. 168

Honolulu, Hawaii

Feb 10, 2011

RE: H.B. No. 378  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Economic Revitalization & Business and  
Agriculture, to which was referred H.B. No. 378 entitled:

"A BILL FOR AN ACT RELATING TO LANDSCAPING OF PUBLIC  
FACILITIES,"

beg leave to report as follows:

The purpose of this bill is to revise the law requiring the  
incorporation of indigenous land plant species into the  
landscaping of facilities developed by the State with public funds  
by:

- (1) Repealing existing references to indigenous land plant  
species and replacing them with "native Hawaiian land  
plant species," and inserting a definition for this  
replacement term; and
- (2) Requiring, without regard to feasibility, all plans,  
designs, and specifications for new or renovated  
landscaping of any facility developed by the State with  
public funds to exclusively incorporate native Hawaiian  
land plant species.



Sierra Club-Hawaii Chapter and several concerned individuals supported this bill. The Department of Land and Natural Resources supported the intent of this measure. The Department of Accounting and General Services (DAGS) opposed this bill.

Your Committees find that when considering the use of native Hawaiian land plant species in landscaping, consideration should be given to those species that are most appropriate for the specific landscaping project, including emphasis on species that require less water or maintenance.

In addition, your Committees note that concerns were raised regarding the amount of discretion that should be afforded to government agencies in complying with this bill's provisions. Testimony from DAGS indicated that the requirements in this bill are too restrictive, and would make procurement difficult and expensive.

Upon further consideration and in light of testimony received on this measure, your Committees have amended this measure by:

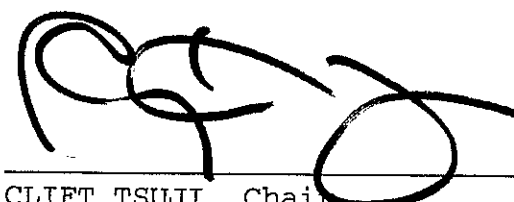
- (1) Deleting the definition of "native Hawaiian land plant species" and, instead, inserting a definition for "native Hawaiian land plant";
- (2) Revising the requirement to incorporate native Hawaiian land plants by specifying that wherever and whenever feasible, all plans, designs, and specifications for new or renovated landscaping of any facility developed by the State with public funds shall incorporate and give preference to native Hawaiian land plants;
- (3) Specifying that wherever and whenever possible, native Hawaiian land plants shall be used for landscaping on the island or islands or the geographical area on which the species originated;
- (4) Exempting the landscaping of sod or turf and historic properties from the law requiring the incorporation of native Hawaiian land plants into the landscaping of facilities developed by the State with public funds; and
- (5) Making technical, nonsubstantive amendments for style, clarity, and consistency.



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As affirmed by the records of votes of the members of your Committees on Economic Revitalization & Business and Agriculture that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 378, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 378, H.D. 1, and be referred to the Committee on Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committees on Economic Revitalization & Business and Agriculture,



CLIFT TSUJI, Chair



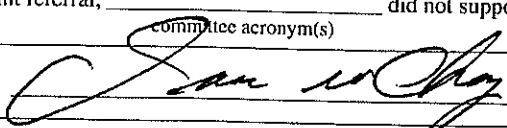
ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 168

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: <b>HB 378</b>	Committee Referral: <b>ERB/AGIZ, HAW, FIN</b>	Date: <b>2/2/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. CHOY, Isaac W. (VC)	✓			
3. AWANA, Karen L.	✓			
4. BROWER, Tom	✓			
5. EVANS, Cindy	✓			
6. HASHEM, Mark J.	✓			
7. NISHIMOTO, Scott Y.	✓			
8. TOKIOKA, James Kunane	✓			
9. TSUJI, Cliff	✓			
10. MARUMOTO, Barbara C.				✓
11. PINE, Kymberly Marcos				✓
<b>TOTAL (11)</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				

State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR108

**Record of Votes of the Committee on Agriculture**

<b>Bill/Resolution No.:</b> HB 378	<b>Committee Referral:</b> ERB/AGR, HAW, FIN	<b>Date:</b> 2/2/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. TSUJI, Clift (C)	X			
2. HASHEM, Mark J. (VC)	X			
3. AWANA, Karen L.	X			
4. BROWER, Tom	X			
5. CHOY, Isaac W.	X			
6. EVANS, Cindy	X			
7. McKELVEY, Angus L.K.	X			
8. NISHIMOTO, Scott Y.	X			
9. TOKIOKA, James Kunane	X			
10. MARUMOTO, Barbara C.	X			
11. RIVIERE, Gil	X			
<b>TOTAL (11)</b>	11	0	0	0
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				