
A BILL FOR AN ACT

RELATING TO HAWAIIAN PLANTS.

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

1 SECTION 1. The legislature finds that the use in
2 landscaping of Hawaiian plants, including plants that are
3 endemic or indigenous to the Hawaiian archipelago as well as
4 those that were carried to the islands by Polynesian navigators,
5 is fundamental to preserving and fostering a Hawaiian sense of
6 place in our neighborhoods and communities. Historically, each
7 island, moku, and ahupua'a have supported varied and diverse
8 Hawaiian plant life. The connections between certain areas and
9 certain plants hold cultural significance and reflect an
10 ecological balance achieved through long-term adaptation to
11 specific local environments.

12 The relatively recent influx of non-native and invasive
13 plant species has transformed Hawai'i's urban and natural
14 environment. Some invasive plants have displaced and endangered
15 Hawaiian plants and native animals. Notably, state landscaping
16 projects have continued to utilize and propagate some of these
17 more recently introduced plants, notwithstanding the importance



1 of Hawaiian plants to biodiversity, ecological stability, and a
2 cultural sense of place.

3 Accordingly, the legislature finds that publicly funded
4 landscaping should embody the cultural and ecological heritage
5 of the place in which the landscaping is located through the use
6 of Hawaiian plants associated with each project area. The
7 legislature further finds that a place-based approach to
8 landscaping on the local level is important and desirable for
9 cultural preservation, biodiversity, biosecurity, and ecosystem
10 management.

11 The purpose of this Act is to amend the state public
12 procurement code to require that all publicly funded landscaping
13 projects include a minimum percentage of Hawaiian plants in
14 order to contribute to a Hawaiian sense of place, to reduce the
15 use of invasive plant species, and to support the preservation
16 of Hawai'i's cultural and ecological heritage.

17 SECTION 2. Section 103D-408, Hawaii Revised Statutes, is
18 amended to read as follows:

19 " ~~[+] §103D-408 []—Indigenous and Polynesian introduced]~~
20 Hawaiian plants; use in public landscaping. (a) ~~[Wherever and~~
21 ~~whenever feasible,]~~ Subject to exceptions as established under



1 subsection (d), and pursuant to the timetable described in
2 subsection (c), all plans, designs, and specifications for new
3 or renovated landscaping of any building, complex of buildings,
4 facility, complex of facilities, or housing developed by the
5 State with public moneys shall incorporate [indigenous land
6 plant species as defined in section 195D-2, and plant species
7 brought to Hawaii by Polynesians before European contact, such
8 as the kukui, noni, and coconut;] Hawaiian plants; provided
9 that:

10 (1) Suitable cultivated plants can be made available for
11 this purpose without jeopardizing wild plants in their
12 natural habitat; and

13 (2) Wherever and whenever possible, [~~indigenous~~] Hawaiian
14 plants shall be sourced from and used for landscaping
15 on the island [or islands on which] and ahupua'a where
16 the species [originated.] was found or known to occur
17 prior to European contact.

18 (b) Each plant or group of plants used pursuant to
19 subsection (a) shall be clearly identified with signs for the
20 edification of the general public.



1 (c) The timetable for the incorporation of Hawaiian plants
2 pursuant to subsection (a) shall be as follows:

3 (1) By January 1, 2019, Hawaiian plants shall constitute a
4 combined minimum of ten per cent of the total plant
5 footprint for landscaping plans, designs, and
6 specifications pursuant to subsection (a);

7 (2) By January 1, 2025, Hawaiian plants shall constitute a
8 combined minimum of twenty-five per cent of the total
9 plant footprint for landscaping plans, designs, and
10 specifications pursuant to subsection (a);

11 (3) By January 1, 2030, Hawaiian plants shall constitute a
12 combined minimum of thirty-five per cent of the total
13 plant footprint for landscaping plans, designs, and
14 specifications pursuant to subsection (a).

15 (d) Notwithstanding chapter 91, the head of the purchasing
16 agency may determine exceptions to the requirements of
17 subsection (a) using procedures, standards, or guidelines
18 established by the policy board. The policy board may adopt
19 rules pursuant to chapter 91 to establish the procedures,
20 standards, or guidelines for determining exceptions to
21 subsection (a).



- 1 (e) For purposes of this section:
- 2 "Hawaiian plants" means any plant species, including land,
- 3 freshwater, and marine plant species, that:
- 4 (1) Are endemic or indigenous species which arrived and
- 5 occur naturally in Hawaii without the aid of humans;
- 6 or
- 7 (2) Were brought to Hawaii by Polynesians before European
- 8 contact, such as kukui, kalo, wauke, niu, noni, and
- 9 kamani."

10 SECTION 3. This Act shall not be applied so as to impair

11 any contract existing as of the effective date of this Act in a

12 manner violative of either the Hawaii State Constitution or

13 article I, section 10, of the United States Constitution.

14 SECTION 4. Statutory material to be repealed is bracketed

15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

OHA Package; Hawaiian Plants; Public Landscaping

Description:

Subject to exceptions, requires all plans, designs, and specifications for new or renovated landscaping of State-developed buildings, complexes, facilities, or housing to incorporate Hawaiian plants. (SB435 HD1)

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