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# 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 of Hawaiian  
2 plants in landscaping is fundamental to preserving and fostering  
3 a Hawaiian sense of place in our neighborhoods and communities.  
4 Historically, each island, moku, and ahupua'a supported varied  
5 and diverse Hawaiian plant life. The connections between  
6 certain areas and certain plants hold cultural significance and  
7 reflect an ecological balance achieved through long-term  
8 adaptation to specific local environments.

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



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

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

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

17           "~~[+]§103D-408 [Indigenous and Polynesian introduced]~~  
 18 Hawaiian plants; use in public landscaping. (a) ~~[Wherever and~~  
 19 ~~whenever feasible,]~~ Subject to exceptions as established under  
 20 subsection (d), and pursuant to the timetable described in  
 21 subsection (c), all plans, designs, and specifications for new



1 or renovated landscaping of any building, complex of buildings,  
2 facility, complex of facilities, or housing developed by the  
3 State with public moneys shall incorporate [~~indigenous land~~  
4 ~~plant species as defined in section 195D-2, and plant species~~  
5 ~~brought to Hawaii by Polynesians before European contact, such~~  
6 ~~as the kukui, noni, and coconut,]~~ Hawaiian plants; provided  
7 that:

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

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

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

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



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

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

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

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

20       (e) For purposes of this section:



1       "Hawaiian plants" means any plant species, including land,  
2 freshwater, and marine plant species, growing or living in  
3 Hawaii without having been brought to Hawaii by humans; or any  
4 plant species, including land, freshwater, and marine plant  
5 species, brought to Hawaii by Polynesians before European  
6 contact, such as kukui, kalo, wauke, niu, noni, and kamani."

7       SECTION 3. This Act shall not be applied so as to impair  
8 any contract existing as of the effective date of this Act in a  
9 manner violative of either the Hawaii State Constitution or  
10 article I, section 10, of the United States Constitution.

11       SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13       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. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

