

Honolulu, Hawaii

March 27, 2015

RE: S.B. No. 435
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian
Affairs, to which was referred S.B. No. 435, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN PLANTS,"

begs leave to report as follows:

The purpose of this measure is to require that all publicly funded landscaping projects include a minimum percentage of Hawaiian plants in order to contribute to a Hawaiian sense of place, reduce the use of non-native invasive plant species, and preserve Hawai'i's cultural and ecological heritage.

The State Procurement Office, Office of Environmental Quality Control, Office of Hawaiian Affairs, the Judiciary, Aha Moku Advisory Committee, a member of the Kaua'i County Council, the Coordinating Group on Alien Pest Species, The Nature Conservancy, Land Use Research Foundation of Hawaii, Association of Hawaiian Civic Clubs, Ko'olaupoko Hawaiian Civic Club, King Kamehameha Hawaiian Civic Club, Ewa Puuloa Hawaiian Civic Club, Hui Maka'ainana O Makana, Hawai'i Green Growth, Kua'aina Ulu 'Auamo, and numerous individuals submitted testimony in support of this measure. The Department of Parks and Recreation of the City and County of Honolulu submitted testimony in opposition to this measure. The Department of Land and Natural Resources, Department of Transportation, and an individual submitted comments.



Your Committee notes that the administrative rules of the Department of Land and Natural Resources that protect endemic and indigenous plant species distinguish between these plants, which arrived and occur naturally in Hawai'i, and those which exist in the State because of human intervention, regardless of when that intervention took place. Your Committee further finds that Polynesian-introduced plants are an integral part of Hawai'i's culture and ecology and should be prioritized by state agencies in the same manner and to the same extent as endemic and indigenous plants. Your Committee encourages the Department of Land and Natural Resources to develop a list of Hawaiian plants that satisfy the requirements of this measure to assist state agencies with compliance.

Your Committee has amended this measure by:

- (1) Clarifying that the requirement for incorporation of Hawaiian plants into public landscaping projects may be satisfied through the use of both native, meaning endemic or indigenous, and Polynesian-introduced plants; and
- (2) Making technical, nonsubstantive amendments.

Should your Committee on Finance deliberate this measure further, your Committee respectfully requests that it consider the amendment proposed in testimony by the Office of Hawaiian Affairs which would authorize the Procurement Policy Board to establish exemptions to the required minimum percentage of Hawaiian plants notwithstanding the rule-making procedures of Chapter 91, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 435, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 435, S.D. 2, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Ocean, Marine
Resources, & Hawaiian Affairs,

Kaniela Ing

KANIELA ING, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 1108

Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

Bill/Resolution No.: SB435, SD2	Committee Referral: OMH, FIN	Date: 3/18/15		
<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)				
OMH Members	Ayes	Ayes (WR)	Nays	Excused
1. ING, Kaniela (C)	/			
2. LOWEN, Nicole E. (VC)	/			
3. CULLEN, Ty J.K.	/			
4. EVANS, Cindy	/			
5. LEE, Chris	/			
6. NISHIMOTO, Scott Y.	/			
7. SAY, Calvin K.Y.	/			
8. YAMANE, Ryan I.				/
9. POUHA, Feki	/			
10. THIELEN, Cynthia	/			
TOTAL (10)	9	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Nicole E. Lowen</u>				
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