

SB 697

RELATING TO PUBLIC LANDSCAPING.

Requires Hawaiian plants to constitute a minimum percentage of the total land footprint of public landscaping projects. Establishes a timetable for Hawaiian plant requirement for public landscaping projects. Defines "Hawaiian plants".



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DOUGLAS MURDOCK, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
GOVERNMENT OPERATIONS
ON
FEBRUARY 3, 2015

S.B. 697

RELATING TO PUBLIC LANDSCAPING

Chair Dela Cruz and members of the Committee, thank you for the opportunity to submit written testimony on S.B. 697.

The Department of Accounting and General Services (DAGS) supports the intent of S.B. 697, provided that appropriate resources are furnished and provided further, the measure does not replace or adversely impact priorities indicated in the Executive Budget. More specifically, DAGS offers the following:

DAGS agrees the use of Hawaiian plants can be fundamental to preserving and fostering a Hawaiian sense of place. DAGS would encourage use of Hawaiian plants in new and/or renovated landscapes of State facilities. DAGS agrees using the place-based approach to planting is good landscape design.

DAGS believes by informing the green industry in advance, Hawaiian plants, suitable for the landscape, can be cultivated as required. The use of non- native plants should be limited to non-invasive species.

DAGS believes the use of signs to identify plants is appropriate; resources to provide the signs are an important consideration.

DAGS believes the percentage of Hawaiian plants and the timetable for incorporation of these Hawaiian plants is appropriate.

DAGS agrees lawn areas should not be included for purposes of calculating the minimum percentage of plant footprint.

DAGS believes resources must be available to properly maintain the landscape.

Thank you for the opportunity to submit written testimony on this matter.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
CARTY S. CHANG
Acting Chairperson

Before the Senate Committee on
GOVERNMENT OPERATIONS

Tuesday, February 3, 2015
1:45 PM
State Capitol, Conference Room 414

In consideration of
SENATE BILL 697
RELATING TO PUBLIC LANDSCAPING

Senate Bill 697 proposes to amend the State public procurement code 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, to reduce the use of non-native invasive plant species, and to support the preservation of Hawaii's cultural and ecological heritage. **The Department of Land and Natural Resources (Department) appreciates the intent and offers the following comments:**

This bill defines "Hawaiian plants" as: "*any plant species, including land, freshwater, and marine plant species, growing or living in Hawaii without having been brought to Hawaii by humans; or any plant species, including land, freshwater, and marine plant species, brought to Hawaii by Polynesians before European contact, such as kukui, kalo, wauke, niu, noni, and kamani.*"

The Department notes native* Hawaiian plants and Polynesian introductions are two separate categories of species each with their own unique significance, importance, and considerations. Lumping the two categories via this definition could lead to confusion. *From a scientific point of view, a species is considered to be native to a region if it arrived in that place by natural processes without the aid of humans. Native species can be either endemic (found only within a particular region) or indigenous (found both within the region and elsewhere).

The Department also notes that this bill makes exceptions for the footprints of exceptional trees and street trees. The Department suggests that consideration also be given for the footprint of other mature trees which may be a significant part of an existing landscape. Additionally, to streamline the process, the Department believes that it does not need to be a part of the consent process.

CARTY S. CHANG
ACTING CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

FIRST DEPUTY

WILLIAM M. TAM
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DAVID Y. IGE
GOVERNOR



SARAH ALLEN
ADMINISTRATOR

**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

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TESTIMONY
OF
SARAH ALLEN, ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEE
ON
GOVERNMENT OPERATIONS
February 3, 2015, 1:45PM

SB697

RELATING TO PUBLIC LANDSCAPING

Chair Dela Cruz, Vice-Chair Nishihara, and members of the committee, thank you for the opportunity to submit testimony on SB697. The State Procurement Office (SPO) **takes no position** on the intent of the measure but believes the intent would be more effective if it were provided solely within the Hawaii Building Code, Hawaii Administrative Rules (HAR) 3-180 and, therefore, **submits comments** for your consideration.

Public procurement's primary objective is for fair, open competition and non-restrictive specifications. Our market research demonstrates there are very few contractors available to offer "Hawaiian plants," which results in restrictions to competition and non-alignment with the one of the primary objectives of the procurement code. In pursuit of this measure's goal agencies will require flexibility in order to maintain performance schedules while also growing this market. As such, SPO believes it would be more effective to require this detailed specification be set forth within the confines of the Hawaii Building Code that details specifications for public works construction and will provide for proper mechanism for oversight.

In addition to the above, SPO has concerns regarding the specifications for "Hawaiian plants." The language of the bill defines "Hawaiian plants" in subsection (f) and provides examples of several Hawaiian plants, such as the kukui, kalo, wauke niu, noni and kamani. The language clearly indicates that the provided list is not exclusive but from a procurement perspective, more certainty is needed as to which plants qualify. Lacking specific criteria or reference lists, agencies, procurement officials, project managers on public works projects, and designers may face uncertainty as to the criteria to be met in order for a plant to be considered a "Hawaiian plant."

SPO is also concerned about the level of market research performed in support of the percentages set forth in the bill and the ability of those percentages to be met. As such, SPO advises the committee to seek further information on the following issues:

- Whether there is a list of the types of qualifying "Hawaiian plants" that are known to exist and are available for sale in the State of Hawaii in accordance with this sections, and where that list can be obtained or referenced.
- Is there a generally-accepted reference that lists the names and types of Hawaiian plants by island?
- How many businesses are there in the State of Hawaii that sell Hawaiian Plants?
- Is there adequate competition in the State of Hawaii to purchase Hawaiian Plants in a quantity required to meet the percentages specified in the bill?
- What agency and specific position will be responsible for oversight and compliance with the measure for both pre-award design proposals and post-award specification compliance and inspection?

Thank you.

DAVID IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 3, 2015
1:45 p.m.
State Capitol, Room 414

S.B. 697
RELATING TO PUBLIC LANDSCAPING

Senate Committee on Government Operations

The Department of Transportation (DOT) **supports** the intent of this bill, which proposes to require that Hawaiian plants be used in the landscaping for new or renovated buildings, complexes facilities, or housing.

However, the DOT has the following concerns regarding the language of the bill. The terms "plant footprint" are used throughout the bill but are not clearly defined. Clearly defining "plant footprint" is important so that there is no misinterpretation.

DOT is also concerned with the inclusion of the landscape percentages as it fails to take into account the variety of considerations that goes into plant selection. DOT currently incorporates Hawaiian plants to the extent feasible and practicable. In addition to plan type, DOT also considers Hawaiian plant availability, suitability of the environment, and maintenance requirements for plant selection. For example, if plants are not widely available, it may increase cost and may delay completion of projects. Also, DOT facilities traverse a multitude of environments that is challenging for many plant species.

Thank you for the opportunity to provide testimony.

Testimony of
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Government Operations

Senator Donovan M. Dela Cruz, Chair
Senator Clarence K. Nishihara, Vice Chair

Tuesday, February 3, 2015, 1:15 p.m.
State Capitol, Conference Room 414

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 697, Relating to Public Landscaping.

Purpose: Requires Hawaiian plants to constitute a minimum percentage of the total land footprint of public landscaping projects. Establishes a timetable for Hawaiian plant requirement for public landscaping projects. Defines "Hawaiian plants".

Judiciary's Position:

The Judiciary is in general support of this bill's proposed revisions to HRS § 103D-408, the spirit of which the Judiciary has incorporated in the planning and design of its newer facilities, including that which is in progress for the new Kona Judiciary Complex in West Hawai'i, as well as the recently completed landscaping renovations at Ali'iōlani Hale in downtown Honolulu's Capitol District.

Thank you for the opportunity to testify on Senate Bill No. 697.



SB697

RELATING TO HAWAIIAN PLANTS
Committee on Government Operations

February 3, 2015

1:45 pm

Room 414

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **"SUPPORT WITH AMENDMENTS"** for SB697, which is substantially similar to SB435, a bill in OHA's 2015 Legislative Package. SB697 amends the Public Procurement Code to require a gradually increasing minimum percentage of Hawaiian plants in new and renovated publicly-funded landscaping projects. **By passing this bill, the state would continue to place itself at the forefront of promoting the use of Hawaiian plants, an important step towards preserving our cultural and threatened ecological heritage.**

Compared with SB435, the only substantive differences in SB697 are as follows: (1) the placement of a quotation mark changes a reference to the term "significant historic property" to "historic property"; and (2) the effective date is set as "upon approval" instead of "June 30, 2016." "Significant historic property" refers to a specific term of art under Hawai'i Administrative Rules sections 13-275-2 and 13-275-6. In addition, a June 30, 2016 effective date will grandfather in landscaping projects currently being planned, but which may not be fully implemented until after the initial 2019 deadline for the required use of Hawaiian plants. Accordingly, we recommend the following amendments:

Amend page 5, lines 14-16, to read:

(e) This section shall not apply to landscaping associated with a "significant historic property" designated under section 6E-2 and its implementing regulations.

Amend page 6, line 11, to read:

SECTION 5. This Act shall take effect on June 30, 2016.

With the above amendments, SB697 would provide clear guidelines as well as flexibility for state and county agencies in procuring landscaping projects that incorporate Hawaiian plants. Currently, the Procurement Code requires indigenous and Polynesian-introduced plants to be used wherever and whenever feasible, yet the current law has not substantially increased the use of Hawaiian plants in urban and suburban environments. By replacing the "wherever and whenever feasible" with a specific required percentage of the total plant footprint, and providing exemptions in situations where the use of Hawaiian plants

may not be feasible, SB697 will be substantially easier for the procuring agencies and their applicants to comply with the spirit of the law. SB697 includes specific exemptions, for turf grass and street trees, for example, and provides a mechanism for the counties to seek additional exemptions for certain projects or environmental conditions.

In setting the minimum required percentages for the total footprint, SB697 sets up a phased in approach—10 percent by 2019, 25 percent by 2025, and 35 percent by 2030. This timetable was developed in close consultation with stakeholders and experts, and provides nurseries, landscaping professionals, and other plant suppliers with sufficient time to increase their stocks of Hawaiian plants. Such an approach minimizes any potential fiscal burden by this measure: while many Hawaiian and non-Hawaiian plants are already comparable in cost, the cost of Hawaiian plants should continue to decrease as the local plant market develops to meet demand.

Hawaiian culture is intimately tied to the land and its resources. Historically, each island, moku, and ahupua‘a supported varied and diverse plant life. Such plants were and continue to be essential to perpetuating place-based Native Hawaiian traditional and customary practices, as well as Native Hawaiian traditional knowledge. The connection between Hawaiian culture and Hawai‘i’s plant life is also evident in other forms: from place names based on regional flora (e.g., ‘Aiea, Hau‘ula, Kapālama), to mo‘olelo (e.g., ‘Ōhi‘a and Lehua), chants (e.g., the Kumulipo), and hula relating to and inspired by Hawaiian plants. Accordingly, the increased presence of Hawaiian plants in state landscaping will ensure that our cultural heritage is reflected in our public spaces, educating both residents and visitors as to the value and significance of our islands’ flora.

In addition, the increased use of Hawaiian plants in public landscaping will help to reverse the rapid decline of these ecologically important species, as well as other native life that may depend upon them. The displacement and decline of Hawaiian plants, which have been integrated in our islands’ ecological landscape for hundreds if not thousands of years, have contributed significantly to Hawai‘i’s reputation as the “endangered species capitol of the world.” More than 270 of Hawai‘i’s plant species are now considered threatened or endangered; native animal species have also declined due to the lack of food and habitat historically provided by such plants. As an advocate for Native Hawaiians, OHA recognizes that the extinction of plant species can result in the extinction of traditional and customary practices associated with them, as well as indigenous knowledge that has been passed down for centuries. Increasing the use of Hawaiian plants in public landscaping projects can help to reverse this trend, not just directly, but also through the development of Hawaiian plant nurseries and maintenance practices, and greater local knowledge of Hawaiian plants’ ecological importance.

Lastly, this bill encourages the increased use of the Pacific-Hawai‘i Weed Risk Assessment, which will deter the use of plants with a high potential to become invasive.

Therefore, OHA urges the Committee to **PASS WITH AMENDMENTS** SB697. Mahalo nui for the opportunity to testify.

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

January 30, 2015

TESTIMONY OF KIPUKAI KUALI'I
COUNCILMEMBER, KAUA'I COUNTY COUNCIL
ON
SB 697, RELATING TO PUBLIC LANDSCAPING
Senate Committee on Government Operations
Tuesday, February 3, 2015
1:45 p.m.
Conference Room 414

Dear Chair Dela Cruz and Members of the Committee:

Thank you for this opportunity to submit testimony in strong support of SB 697, relating to public landscaping. My testimony is submitted in my capacity as the Economic Development & Intergovernmental Relations Committee Chair and Councilmember on the Kaua'i County Council.

SB 697 requires Hawaiian plants to constitute a minimum percentage of the total land footprint of public landscaping projects. As a Native Hawaiian, I see this requirement as a means to perpetuate the Hawaiian sense of place, reduce the use of non-native plant species, and support the preservation of Hawai'i's cultural and ecological heritage. As the Economic Development & Intergovernmental Relations Committee Chair for the Kaua'i County Council, this requirement will create more demand for Hawaiian plants which will benefit our local Hawaiian plant growers.

For the reasons stated above, I strongly encourage the Senate Committee on Government Operations to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

KIPUKAI KUALI'I
Councilmember, Kaua'i County Council

SS:aa

Testimony of The Nature Conservancy of Hawai'i
Supporting with Comments S.B. 697 Relating to Hawaiian Plants
Senate Committee on Government Operations
Tuesday, February 3, 2015, 1:45PM, Room 414

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports S.B. 697 to amend the state procurement code to mandate increased use of Hawaiian plants in publicly-funded landscaping. **However, if this measure will be the vehicle moving forward, we recommend that the language of the bill be conformed to match the wording in S.B. 435.**

Most people around the world have a vision of Hawai'i that includes sand, surf, coconut palms, and plumeria. All of us would agree that few places are more renowned for their natural environment than Hawai'i. However, even for many who were raised here, there is a Hawai'i they might not recognize. Hawai'i's natural landscape includes an amazing and beautiful set of ecological systems; with over 10,000 native plants and animals, more than 90% of which are found nowhere else on Earth. Over thousands of years, wind and ocean currents carried seeds, insects, birds and fishes to these islands. Once here, plants and animals adapted into beautiful and unique life forms and ecosystems. These along with early Polynesian introductions created a unique and balanced blend of plants and animals. Hawaiian culture identifies an intrinsic relationship of people to land as ancestor.

Unfortunately, we have lost more than half of our native ecosystems over time, primarily due to land conversion for a variety of human uses. Today, our native forests have retreated to the uplands. A major threat to what remains is invasive species—plants, animals and diseases that harm our environment, economy and quality of life.

This bill can play an important role on many levels, including:

- Enhancing the market for locally grown products;
- Reducing the risk of imported pests and diseases;
- Educating residents and visitors about Hawai'i's globally unique ecology and culture; and
- Promoting the sense of place and quality of life we desire and expect in our home.

Thank you for this opportunity to offer our support for this bill.

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Subject: *Submitted testimony for SB697 on Feb 3, 2015 13:45PM*
Date: Monday, February 02, 2015 7:24:27 PM

SB697

Submitted on: 2/2/2015

Testimony for GVO on Feb 3, 2015 13:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Support	No

Comments:

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SB697

Submitted on: 2/2/2015

Testimony for GVO on Feb 3, 2015 13:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
dale adams	Individual	Comments Only	No

Comments: I wish to submit my comments in support of SB697. Most Native Hawaiian plants are endemic to the Hawaiian Islands. Some are found only on certain islands, or even in certain valleys and ahupua'a. I believe and feel that with the loss of any Native Hawaiian plant we also lose a part of the culture that has been on this island for thousands of years. We also lose the value of the plant itself. So much is still to be learned from the study of these plants. I also wish to address the dollar value of SB697. Native Hawaiian plants can be found nowhere else but locally. So the purchasing of them for State projects will help the local economies of each island and encourage further growth in that sector of the landscape industry. As well maintenance of plants truly begin when you take them out of their natural setting/habitat. Local plants are easier to maintain because they are still in their native habitat, therefore lessening the cost of landscape care. I say thank you for allowing me to submit these comments/testimony in support of SB697 Barcus Dale Adams.

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Subject: *Submitted testimony for SB697 on Feb 3, 2015 13:45PM*
Date: Friday, January 30, 2015 12:46:30 AM

SB697

Submitted on: 1/30/2015

Testimony for GVO on Feb 3, 2015 13:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Kalawai'a Goo	Individual	Support	No

Comments:

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SB697

Submitted on: 1/29/2015

Testimony for GVO on Feb 3, 2015 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnie Perry	Individual	Support	No

Comments: I strongly support this bill. Many native plants are endangered. Because of this, many of the insects and animals that depend on these plants have become endangered also. This bill would help save these plants and contribute to the uniqueness of Oahu. Please vote for this bill. Mahalo, Ronnie Perry

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SB697

Submitted on: 1/30/2015

Testimony for GVO on Feb 3, 2015 13:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Blazak	Individual	Support	No

Comments: Dear Chair Senator Dela Cruz, Vice Chair Senator Nishihara, and Members of the Committee, Please support SB697. Requiring government landscaping to include a percentage of Hawaiian plants will reduce the introduce of invasive species, reduce weed maintenance and chemical spray, and improve our water efficiency as Hawaiian plants are suited to thrive in our local climate and rainfall. Hawaiian plants should be the norm in local landscaping as they exist in harmony with the natural environment here. Please support SB697. Thank you for your attention. Best, Megan Blazak Hilo, HI Senate District Two

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