

JAN 23 2015

A BILL FOR AN ACT

RELATING TO PUBLIC LANDSCAPING.

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 use
4 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 the exceptions in subsections (d)
20 and (e), all plans, designs, and specifications for new or
21 renovated landscaping of any building, complex of buildings,



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

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

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

15 (3) Wherever and whenever feasible, Hawaiian plants used
16 for landscaping pursuant to this section shall be
17 sourced from the island on which they are used; and

18 (4) Wherever and whenever feasible, when non-Hawaiian
19 plants are proposed for use in landscaping pursuant to
20 this section, the offeror shall use the invasive



1 species council's Hawai'i-Pacific weed risk assessment
2 system in selecting any such plant species.

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

6 (c) The timetable for the incorporation of Hawaiian plants
7 pursuant to this section shall be as follows:

8 (1) By January 1, 2019, Hawaiian plants shall constitute a
9 combined minimum of 10 per cent of the total plant
10 footprint for landscaping plans, designs, and
11 specifications;

12 (2) By January 1, 2025, Hawaiian plants shall constitute a
13 combined minimum of 25 per cent of the total plant
14 footprint for landscaping plans, designs, and
15 specifications; and

16 (3) By January 1, 2030, Hawaiian plants shall constitute a
17 combined minimum of 35 per cent of the total plant
18 footprint for landscaping plans, designs, and
19 specifications.



1 (d) For the purposes of calculating the minimum percentage
2 of the total plant footprint for landscaping required under this
3 section, the total plant footprint shall not include:

4 (1) Landscaped areas of sand, turf grass, sod, hydroseed,
5 hydromulch, or stolons;

6 (2) The footprint of exceptional trees as designated under
7 chapter 58 and street trees; and

8 (3) Additional landscaped areas not within the
9 conservation land use district within a county, as
10 determined by the county zoning agency, with the
11 consent of the board of land and natural resources,
12 including but not limited to landscaping necessary for
13 erosion control.

14 (e) This section shall not apply to landscaping associated
15 with a significant "historic property" as defined under section
16 6E-2 and its implementing rules.

17 (f) For the purposes of this section, "Hawaiian plant"
18 means:

19 (1) Any plant species, including land, freshwater, and
20 marine plant species, growing or living in Hawaii
21 without having been brought to Hawai'i by humans; or



1 (2) Any plant species, including land, freshwater, and
 2 marine plant species, brought to Hawaii by Polynesians
 3 before European contact, such as kukui, kalo, wauke,
 4 niu, noni, and kamani."

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

9 SECTION 4. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Hawaiian Plants; Public Landscaping

Description:

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".

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