

STAND. COM. REP. NO. 955

Honolulu, Hawaii

MAR 24 2015

RE: H.B. No. 206  
H.D. 2  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Government Operations, to which was referred H.B. No. 206, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is 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, reduce the use of non-native invasive plant species, and support the preservation of Hawaii's cultural and ecological heritage.

Your Committee received testimony in support of this measure from the Judiciary, Department of Transportation, Aha Moku Advisory Committee, Office of Hawaiian Affairs, Office of Environmental Quality Control, City and County of Honolulu Department of Parks and Recreation, Coordinating Group on Alien Pest Species, Hawaii Green Growth, Nature Conservancy, Kalihi Palama Hawaiian Civic Club, Kuaaina Ulu Auamo, Native Hawaiian Chamber, King Kamehameha Hawaiian Civic Club, Ewa Puuloa Hawaiian Civic Club, Hui Makaainana O Makana, Land Use Research Foundation of Hawaii, and eight individuals. Your Committee received comments on this measure from the State Procurement Office and Department of Land and Natural Resources.

Your Committee finds that the use of Hawaiian plants in public landscaping is an important priority. Your Committee has

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heard concerns that the restrictive specifications in this measure may cause expensive and time consuming delays in the procurement process. Testimony also expressed concern that agencies will require some flexibility in implementing this measure as they work to complete projects and the landscaping market expands to meet the growing demand for Hawaiian plants.

Your Committee notes that the companion to this measure, S.B. No. 435, S.D. 2 (Regular Session of 2015), which was previously passed by the Senate, addresses procurement and implementation concerns and contains precise specifications for the use of Hawaiian plants. The Senate version also authorizes the heads of purchasing agencies to determine exceptions to the Hawaiian plant requirement using procedures, standards, or guidelines established by the Procurement Policy Board.

Your Committee further finds that the language in S.B. No. 435, S.D. 2, is preferable because it uses clearer terms, which will aid in the procurement process, and also provides greater flexibility to departments and agencies in implementing the measure.

Accordingly, your Committee has amended this measure by:

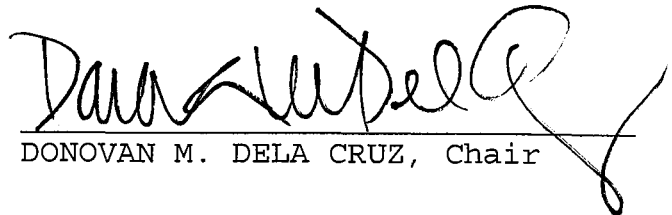
- (1) Deleting its contents and inserting the contents of S.B. No. 435, S.D. 2, a substantively similar measure, which:
  - (A) Requires new publicly funded landscaping to incorporate Hawaiian plants; provided that suitable cultivated plants can be made available without jeopardizing wild plants in their natural habitat;
  - (B) Requires, wherever and whenever possible, Hawaiian plants to be used for landscaping on, and sourced from, the island and ahupua'a in which the species was found or known to occur prior to European contact;
  - (C) Authorizes the Procurement Policy Board to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to establish procedures, standards, or guidelines for determining exceptions to the use of Hawaiian plants in new publicly funded landscaping;



- (D) Authorizes the head of the purchasing agency to determine exceptions to the required use of Hawaiian plants using procedures, standards, or guidelines established by the Procurement Policy Board; and
  - (E) Includes an effective date of July 1, 2050; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 206, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 206, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Government  
Operations,

  
DONOVAN M. DELA CRUZ, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB206 HD2	GVO, WAM	3-19-15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
IHARA, Jr., Les	✓			
TOKUDA, Jill N.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution:      Original      Yellow      Pink      Goldenrod File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy				

\*Only one measure per Record of Votes