

**ACT 233**

H.B. NO. 206

A Bill for an Act Relating to Hawaiian Plants.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** The legislature finds that the use of Hawaiian plants in landscaping is fundamental to preserving and fostering a Hawaiian sense of place in our neighborhoods and communities. Historically, each island, moku, and ahupua'a supported varied and diverse Hawaiian plant life. The connections between certain areas and certain plants hold cultural significance and reflect an ecological balance achieved through long-term adaptation to specific local environments.

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

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

The purpose of this Act 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, to reduce the use of non-native invasive plant species, and to support the preservation of Hawai'i's cultural and ecological heritage.

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

**“~~[[§103D-408]] Indigenous and Polynesian introduced~~ Hawaiian plants; use in public landscaping.** (a) ~~[Wherever and whenever feasible,]~~ Subject to exceptions as established under subsection (d), and pursuant to the timetable described in subsection (c), all plans, designs, and specifications for new or renovated landscaping of any building, complex of buildings, facility, complex of facilities, or housing developed by the State with public moneys shall incorporate ~~[indigenous land plant species as defined in section 195D-2, and plant species brought to Hawaii by Polynesians before European contact, such as the kukui, noni, and coconut;]~~ Hawaiian plants; provided that:

- (1) Suitable cultivated plants can be made available for this purpose without jeopardizing wild plants in their natural habitat; and
- (2) Wherever and whenever possible, ~~[indigenous]~~ Hawaiian plants shall be used for landscaping on, and sourced from, the island ~~[or islands or]~~ and ahupua'a in which the species ~~[originated,]~~ was found or known to occur prior to European contact.

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

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

- (1) By January 1, 2019, Hawaiian plants shall constitute a combined minimum of ten per cent of the total plant footprint for landscaping plans, designs, and specifications;
- (2) By January 1, 2025, Hawaiian plants shall constitute a combined minimum of twenty-five per cent of the total plant footprint for landscaping plans, designs, and specifications;
- (3) By January 1, 2030, Hawaiian plants shall constitute a combined minimum of thirty-five per cent of the total plant footprint for landscaping plans, designs, and specifications.

(d) Notwithstanding chapter 91, for the purposes of satisfying the percentage footprint requirements under subsection (c), the purchasing agency may exclude from total plant footprint calculations those areas where available Hawaiian plant species are not appropriate for the particular landscaping needs or environmental conditions of such areas. The exclusion of such areas shall be determined by procedures, standards, or guidelines established by the policy board at the time of issuance of the invitation for bids, requests for proposals, or other solicitation under this chapter. Procedures, standards, or guidelines established pursuant to this subsection may be established by board action notwithstanding chapter 91.

(e) For purposes of this section, “Hawaiian plants” means any endemic or indigenous 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.”

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

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

SECTION 5. This Act shall take effect upon its approval; provided that section 2 shall take effect on June 30, 2016.

(Approved July 13, 2015.)