



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

GOV. MSG. NO. 868

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: Senate Bill No. 3180 SD1 HD2 CD1

On July 11, 2006, Senate Bill No. 3180, entitled "A Bill for an Act Relating to the Counties" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill provides that each county shall adopt ordinances that allow the exercise of indigenous Hawaiian architectural practices, styles, techniques, and materials historically employed by Native Hawaiians. The bill recognizes that the applicability of this ordinance may not be appropriate in historical districts and explicitly exempts these districts.

However, the bill presents concerns outside of those associated with historical district structures. Most notably, this bill represents a legislative intrusion into the responsibilities of the counties and mandates that counties must adopt ordinances as prescribed in the bill. This type of legislation goes against the spirit and intent of home rule and provides legislative direction in an arena that has long been recognized as within the scope of county authority--namely building code requirements.

Further, this bill leaves unanswered questions as to how the use of indigenous building approaches will be addressed within the safety and structural requirements building codes must address. Additionally, the issue of how these structures will conform to energy conservation standards and disaster preparedness requirements is left unanswered.

For the foregoing reasons, I allowed Senate Bill No. 3180 to be come law as Act 310 effective July 11, 2006 without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

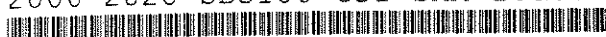
RELATING TO THE COUNTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 7 of article XII of the Constitution of
2 the State of Hawaii provides, in part, that "The State reaffirms
3 and shall protect all rights, customarily and traditionally
4 exercised for subsistence, cultural and religious purposes
5 . . . by native Hawaiians." Section 7-1, Hawaii Revised
6 Statutes, further reserves the right of the people to take
7 house-timber from lands upon which they reside. Further,
8 chapter 36 of the Maui county code allows the use of indigenous
9 Hawaiian architecture in the design and construction of
10 structures in the county of Maui.

11 The purpose of this Act is to allow the use of the
12 techniques, styles, and customs of indigenous Hawaiian
13 architecture to be employed in present-day construction in the
14 state.

15 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:



1 "§46- Indigenous Hawaiian architecture. (a) Each
2 county shall adopt ordinances allowing the exercise of
3 indigenous native Hawaiian architectural practices, styles,
4 customs, techniques, and materials historically employed by
5 native Hawaiians, in the county's building code, including but
6 not limited to residential and other structures comprised of
7 either rock wall or wood frame walls covered by thatches of
8 different native grasses or other natural material for roofs.

9 (b) The application of indigenous Hawaiian architecture
10 shall be permitted in all zoning districts; provided it is
11 consistent with the intent and purpose of the uniquely
12 designated, special, or historic district."

13 SECTION 3. New statutory material is underscored.

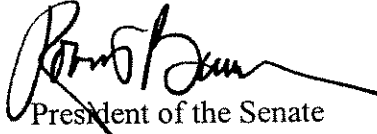
14 SECTION 4. This Act shall take effect on July 1, 2006.



THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate

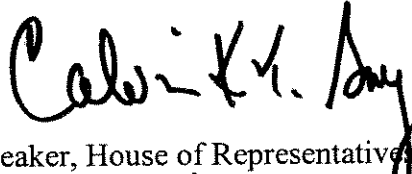


Clerk of the Senate

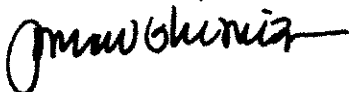
**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives