

ACT 310

S.B. NO. 3180

A Bill for an Act Relating to the Counties.

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

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

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

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

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

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

SECTION 3. New statutory material is underscored.¹

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

(Became law on July 11, 2006, without the Governor’s signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.