EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

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