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# A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1           SECTION 1. The purpose of this Act is to authorize the  
2 director of transportation to acquire real property for roads  
3 and streets, without review or approval by the board of land and  
4 natural resources.

5           SECTION 2. Chapter 264, Hawaii Revised Statutes, is  
6 amended by adding a new section to part I to be appropriately  
7 designated and to read as follows:

8           "§264- Powers of director of transportation. (a) The  
9 director of transportation shall have any powers that may be  
10 necessary for the full and effective performance and discharge  
11 of the duties imposed upon the director by this chapter or which  
12 may be necessary fully and completely to carry out and  
13 effectuate the purposes of this chapter.

14           (b) Notwithstanding any other law to the contrary, the  
15 director of transportation may, on behalf of the State:

16           (1) Directly acquire real property to be used for roads  
17 and streets, without review or approval by the board



1           of land and natural resources, and, upon acquisition,  
2           jurisdiction over the real property shall be within  
3           the department of transportation without further  
4           action by the board of land and natural resources; and  
5        (2) With the approval of the governor, accept donations of  
6           land, money, or other property for deposit in the  
7           state highway fund or for any purpose of this chapter,  
8           upon terms and conditions as are acceptable to the  
9           director of transportation, and not inconsistent with  
10          the proper discharge of the director of  
11          transportation's duties and functions or prejudicial  
12          to the obtaining of the federal-aid funds payable to  
13          the State without the donations."

14           SECTION 3. Section 171-30, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16           "(a) The board of land and natural resources shall have  
17 the exclusive responsibility, except as provided herein, of  
18 acquiring, including by way of dedications:

19           (1) All real property or any interest therein and the  
20           improvements thereon, if any, required by the State  
21           for public purposes, including real property together



1 with improvements, if any, in excess of that needed  
 2 for [~~such~~] public use in cases where small remnants  
 3 would otherwise be left or where other justifiable  
 4 cause necessitates the acquisition to protect and  
 5 preserve the contemplated improvements, or public  
 6 policy demands the acquisition in connection with  
 7 [~~such~~] the improvements[-]; provided that the board of  
 8 land and natural resources shall not be responsible  
 9 for acquisitions by the department of transportation  
 10 as provided in section 264- (b) (1); and

11 (2) Encumbrances, in the form of leases, licenses, or  
 12 otherwise on public lands, needed by any state  
 13 department or agency for public purposes [~~or for~~], the  
 14 disposition for houselots, or [~~for~~] economic  
 15 development.

16 The board shall upon the request of and with the funds from  
 17 the state department or agency effectuate all acquisitions as  
 18 provided under this section.

19 The acceptance by the territorial legislature or the  
 20 legislature of a dedication of land in the Kakaako community



1 development district by a private owner is sufficient to convey  
2 title to the State."

3 SECTION 4. Section 264-24, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§264-24 Powers of director. The director of  
6 transportation shall have any powers which may be necessary for  
7 the full and effective performance and discharge of the duties  
8 imposed upon the director by this part or which may be necessary  
9 fully and completely to carry out and effectuate the purposes of  
10 this part.~~

11 ~~The director may, on behalf of the State, with the approval  
12 of the governor, accept donations of land, money, or other  
13 property for deposit in the state highway fund or for any  
14 purpose of this part, upon such terms and conditions as are  
15 acceptable to the director, and not inconsistent with the proper  
16 discharge of the director's duties and functions or prejudicial  
17 to the obtaining of the federal aid funds payable to the State  
18 without such donations." ]~~

19 SECTION 5. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on July 1, 2050.



# H.B. NO. 1055 H.D. 2

**Report Title:**

Transportation; Highways; Board of Land and Natural Resources

**Description:**

Provides the director of transportation with authority to acquire real property on behalf of the State for roads and streets without review or approval by the board of land and natural resources and specifies that, upon acquisition, jurisdiction over the real property is immediately transferred to the department of transportation. Effective 7/1/2050. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

