

**ACT 288**

H.B. NO. 1055

A Bill for an Act Relating to Highways.

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

SECTION 1. The purpose of this Act is to expressly declare the intent of the legislature in amending section 264-3, Hawaii Revised Statutes, to resolve the jurisdictional dispute between the State and counties over the ownership of certain disputed public highways. For counties having a population in excess of 500,000 persons, this Act will abrogate the requirement that a county remit to the State the proceeds from the sale of any county public highway that was formerly a state public highway. However, the State has no authority to waive a reimbursement or credit to the federal government if a reimbursement or credit is required. In consideration of the State waiving its right to have the proceeds from the sale of county public highways remitted to the State, the counties shall acknowledge ownership and jurisdiction of all disputed public highways within their respective counties, as defined in section 264-1, Hawaii Revised Statutes, without the necessity of conveyancing documents transferring title from the State to the respective counties, except when required for the purpose of disposal. The counties will be responsible for the preparation of the conveyancing documents which shall include,

but not be limited to, a metes and bounds survey of the abandoned public highway, if necessary. Moreover, this legislation does not establish a new program or increase the level of services under an existing program that would require the State to share the cost with the counties, pursuant to Article VIII, Section 5, of the Constitution of the State of Hawaii.

SECTION 2. Section 264-3, Hawaii Revised Statutes, is amended to read as follows:

“**§264-3 Disposal of abandoned public highway.** Whenever a public highway, or any portion thereof is at any time vacated, closed, abandoned, or discontinued, the [same] public highway shall be used or disposed of for the use of the State in the case of a state highway as provided by law and for the use of the county in which the highway lies in the case of a county highway; provided that [in]:

- (1) In the case of a county highway, before it is disposed of in any way, it shall be first offered to the abutters for a reasonable length of time and at a reasonable price, and if they do not take the [same] county highway, then it may be sold at public auction; [provided further that if] and
- (2) If any county highway, the right-of-way for which has been acquired in whole or in part by expenditure of [state or] federal funds, [or which was opened, laid out or built by the State over state owned lands,] is abandoned and disposed of, the necessary portion of the proceeds from the sale thereof shall be remitted to the State for [deposit in the appropriate funds provided by law.] reimbursement or credit to the Federal Highway Administration, if reimbursement or credit is so required.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 21, 1993.)