
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 1 to be appropriately
7 designated and to read as follows:

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

14 (b) Notwithstanding any other law to the contrary, the
15 director 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; 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, and not inconsistent with the proper
10 discharge of the director's duties and functions or
11 prejudicial to the obtaining of the federal-aid funds
12 payable to the State without such donations."

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

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

18 (1) All real property or any interest therein and the
19 improvements thereon, if any, required by the State
20 for public purposes, including real property together
21 with improvements, if any, in excess of that needed



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

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

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

17 The acceptance by the territorial legislature or the
18 legislature of a dedication of land in the Kakaako community
19 development district by a private owner is sufficient to convey
20 title to the State."



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2 repealed.

3 [~~§264-24 Powers of director. The director of
4 transportation shall have any powers which may be necessary for
5 the full and effective performance and discharge of the duties
6 imposed upon the director by this part or which may be necessary
7 fully and completely to carry out and effectuate the purposes of
8 this part.~~

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

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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



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. (HD1)

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