

JAN 19 2007

---

---

# A BILL FOR AN ACT

RELATING TO OLD GOVERNMENT ROADS.

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

1           SECTION 1. Section 264-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§264-2~~ Owned by government[-]; old government roads. (a)

4 The ownership of all public highways and the land, real estate  
5 and property of the same shall be in the government in fee  
6 simple. The term "government" as used herein means the State  
7 with reference to state highways and means the respective  
8 counties with reference to county highways. If any county  
9 highway is required by the State for state highway purposes, the  
10 ownership of the county highway shall be transferred to and  
11 vested in the State without compensation.

12           The governor may, at any time by executive order, turn over  
13 to any county, state land, in fee simple, for use as a county  
14 highway, and the county involved shall thereafter be responsible  
15 for its repair and maintenance as a county highway.



# S.B. NO. 721

1           The ownership of all county highways is transferred to and  
 2 vested in the respective counties in which the county highways  
 3 lie.

4           (b) Notwithstanding any law to the contrary, the ownership  
 5 of old government roads, as provided in Act 47 of Session Laws  
 6 of Hawaii 1892, as amended, is declared to be jointly owned by  
 7 the State and the respective county in which the government road  
 8 is located; provided that an old government road shall be open  
 9 for use by the public; and provided further that no person shall  
 10 block access through an old government road."

11           SECTION 2. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13           SECTION 3. This Act shall take effect upon its approval.

14

INTRODUCED BY:

*Ang L. Hooser*  
*Rosey de Bob*  
*Francine Chun Oakland*  
*David John Unsup*  
*A.S.H.*



**Report Title:**

Old Government Roads; Joint Ownership

**Description:**

Provides that old government roads belong jointly to state and counties.

