

# SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 1 Date MAR 08 2016

TO: S.B. No. 2372, S.D. 2

SECTION 1. S.B. No. 2372, S.D. 2, is amended by making conforming amendments to section 1 for the purposes of clarity and consistency.

SECTION 2. S.B. No. 2372, S.D. 2, is amended by amending section 2 to amend section 264-1(c), Hawaii Revised Statutes, to read as follows:

"(c) All highways, roads, alleys, streets, ways, lanes, [trails,] bikeways, [and] bridges, and trails in the State, opened, laid out, or built by private parties and dedicated or surrendered to the public use, are declared to be public highways or public trails as follows:

- (1) Dedication of public highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails shall be by deed of conveyance naming the State as grantee in the case of a state highway, road, alley, street, way, lane, bikeway, bridge, or trail and naming the county as grantee in the case of a county highway, road, alley, street, way, lane, bikeway, bridge, or trail. The deed of conveyance shall be delivered to and accepted by the director of transportation in the case of a state highway, road, alley, street, way, lane, bikeway, bridge, or the board of land and natural resources in the case of a state trail. In the case of a county highway, road, alley, street, way, lane, bikeway, bridge, or [county] trail, the deed shall be delivered to and accepted by the legislative body of a county[-]; and
- (2) Notwithstanding legal ownership, [Surrender] surrender of public highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails shall be deemed to have taken place if [nø]:
  - (A) No act of ownership by the owner of the highway, road, alley, street, [bikeway,] way, lane, [trail, or] bikeway, bridge, or trail has been exercised for five years [and when, in the case of a county highway, in addition thereto, the legislative body of the county has, thereafter, by a resolution, adopted the same as a county highway or trail-]; or
  - (B) A county undertakes repair and maintenance of a highway, road, alley, street, way, lane, bikeway,



bridge, or trail pursuant to a county maintenance and repair program, that highway, road, alley, street, way, lane, bikeway, bridge, or trail;  
~~In every case where the road, alley, street, bikeway, way, lane, trail, bridge, or highway is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution thereof having the effect of law, the legislative body of the county shall accept the dedication or surrender of the same without exercise of discretion.]~~ provided that driving on the private highway, road, alley, street, way, lane, bikeway, bridge, or trail shall not, on its own, constitute an act of ownership. The county shall accept without exercise of discretion all surrendered highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails, except where the State has notified the county within thirty days of the surrender that it will accept the surrendered highway, road, alley, street, way, lane, bikeway, bridge, or trail. Any occupant or owner of abutting land may notify the county of a highway, road, alley, street, way, lane, bikeway, bridge, or trail that the resident or landowner believes qualifies for surrender under this subsection. Following receipt of the notice, the county shall accept the highway, road, alley, street, way, lane, bikeway, bridge, or trail as surrendered and record its ownership with the state bureau of conveyances, unless the county establishes other proof of ownership within six months of the notice."

SECTION 3. S.B. No. 2372, S.D. 2, is amended by changing the effective date to July 1, 2050.

Offered by: *Amie R. Hovye* (✓) Carried

( ) Failed to Carry

( ) Withdrawn