

ACT 43

A Bill for an Act Relating to Tax Funds and Amending Section 129-12(c), Revised Laws of Hawaii 1955, as Amended.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Under the "Highway Beautification Act of 1965" signed by the President on October 22, 1965, the federal government has authorized the expenditure of federal funds "for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to" federal-aid highways "including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right of way reasonably necessary to accommodate the traveling public." The amount authorized is 3 per centum of funds apportioned to a state for federal-aid highways for any fiscal year and this is on a non-matching basis.

In addition, private parties have indicated that they are prepared to provide, by way of donation, landscaping to beautify the highways of the State and will do so only on the condition that the State will maintain the landscaping so donated.

Under our present statutes it does not appear that the state highway fund may be used to maintain the landscaping and rest, recreational, sanitary and other facilities which are located outside of the right-of-way boundaries of our federal-aid highways.

SECTION 2. The first twelve lines of section 129-12(c) of the Revised Laws of Hawaii 1955, as amended, up to the first semicolon thereof are hereby amended to read as follows:

"(c) The moneys remaining in the state highway fund after the payment and transfers required by paragraphs (a) and (b) of this section shall be expendable by the Department of Transportation for the design, construction, reconstruction, repair and maintenance of and for engineering and acquisition of (1) rights of way for highways in the state upon which federal moneys are expendable or have been expended, pursuant to the provisions of chapter 111, and the federal highway act and legislation supplementary thereto; and (2) lands and interests therein whether within or without these rights of way for highway beautification, scenic enhancement and rest, recreational and sanitary facilities."

SECTION 3. This Act shall take effect upon its approval.
(Approved May 3, 1966.) **H.B. 345.**