
A BILL FOR AN ACT

RELATING TO REMNANTS.

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

1 SECTION 1. The legislature finds that the definition of
2 the term "remnant" in section 171-52, Hawaii Revised Statutes,
3 along with broad interpretations of the definition, have led to
4 confusion regarding its scope and applicability. This ambiguity
5 has resulted in a lack of transparency, as significant parcels
6 of public lands, including public land trust lands, have been
7 disposed of without legislative approval or public auction,
8 which otherwise would have been required.

9 The legislature further finds that given the history and
10 sensitivity of land use and ownership in Hawaii, the limited
11 land resources of our island state, the state constitutional
12 requirement that ensures that public lands are held in trust for
13 subsistence, native Hawaiian cultural and religious purposes,
14 and for the benefit of future generations, it is necessary to
15 clarify the definition of and disposition restrictions on State
16 remnants.



1 The purpose of this Act is to clarify the definition of the
2 term remnant and restrictions on the disposition of remnants for
3 the purposes of ensuring that such remnants are treated
4 consistently with the State's constitutional mandate under the
5 public land trust.

6 SECTION 2. Section 171-52, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) Definition. The term "remnant" means a parcel of
9 land that serves no public purpose, economically or physically
10 ~~[unsuitable or undesirable]~~, for present or future development
11 or utilization as a separate unit by reason of location, size,
12 shape, liability, or other characteristics~~[-A]~~ and the
13 alienation of which has been deemed to not violate the State's
14 mandate to conserve and protect its natural resources for the
15 benefit of current and future generations. No land shall be
16 determined to be a remnant ~~[may be]~~ unless the land:

17 (1) ~~[Land]~~ Is acquired by condemnation ~~[which]~~ that is in
18 excess of the needs for which condemned; or

19 (2) ~~[Vacated,]~~ Is a vacated, closed, abandoned, or
20 discontinued road, street or alley or walk, railroad,
21 ditch, or other right-of-way.



(b) Disposition restriction. No parcel shall be disposed of as a remnant [~~solely~~]:

(1) Solely for the reason that it lacks an adequate access[-]; or

(2) Unless the board finds that the parcel does not contain natural or cultural resources necessary for the exercise of native Hawaiian subsistence, cultural, or religious practices pursuant to the state constitution."

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

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



Report Title:

Public Lands; Remnants; Definition; Disposition

Description:

Clarifies the definition of the term "remnant" for purposes relating to the disposition of public lands. Prohibits disposition of remnants that contain resources necessary for the exercise of native Hawaiian subsistence, cultural, or religious practices. (HB515 HD2)

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