

JAN 15 2014

A BILL FOR AN ACT

RELATING TO THE DEFINITION OF REMNANTS.

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

1 SECTION 1. The legislature finds that as recognized by
2 numerous legislative findings and actions throughout the last
3 twenty years, including the adoption of House Concurrent
4 Resolution No. 6, Senate Draft 1, during the 2013 regular
5 session, Hawai'i has a unique and complex history of land use and
6 ownership. The legislature further finds that given this
7 history, as well as the continuing cultural, social, and
8 economic significance of the 'āina to the people of Hawai'i nei,
9 important procedural safeguards now exist to ensure that any
10 disposition of public lands occurs in the most appropriate and
11 consistent manner.

12 The legislature also finds that a purportedly narrow
13 exception to these safeguards exists for lands that can qualify
14 as "remnant" pursuant to section 171-52, Hawai'i Revised
15 Statutes. Unlike other public lands, lands found to qualify as
16 "remnants" may be disposed of without legislative oversight, and
17 without the public auction requirements that would otherwise



1 ensure fairness, transparency, and adequate compensation to the
2 State.

3 The legislature further finds that recent land transactions
4 by the board of land and natural resources have indicated that
5 there is some confusion regarding the scope and applicability of
6 the definition of "remnant" pursuant to section 171-52, Hawai'i
7 Revised Statutes. Uncharacteristically broad interpretations of
8 this definition have led to the disposal of significant parcels
9 of public lands, including public land trust lands, without
10 legislative approval or public auction as would have been
11 otherwise required.

12 Accordingly, the legislature finds that given the history
13 and sensitivity of land use and ownership in Hawai'i, the limited
14 land resources of our island state, the state constitutional
15 requirement that ensures that public lands are held in trust for
16 the benefit of both present and future generations, and the need
17 to ensure the consistent application of land alienation
18 procedures, it is necessary to clarify the definition of
19 "remnant" in section 171-52, Hawai'i Revised Statutes.

20 The purpose of this Act is to clarify that the term
21 "remnant" shall only apply to the categories listed in section
22 171-52(a), Hawai'i Revised Statutes.



1 SECTION 2. Section 171-52, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Definition. The term "remnant" means a parcel of
4 land economically or physically unsuitable or undesirable for
5 development or utilization as a separate unit by reason of
6 location, size, shape, or other characteristics. A remnant
7 [~~may~~] shall be:

8 (1) Land acquired by condemnation which is in excess of
9 the needs for which condemned; or

10 (2) [~~Vacated,~~] A vacated, closed, abandoned, or
11 discontinued road, street or alley or walk, railroad,
12 ditch, or other right-of-way."

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

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

16

INTRODUCED BY: *Gene Merardo Ke*
BY REQUEST



S.B. NO. 2104

Report Title:

OHA Package; Public Lands; Remnant Lands

Description:

Clarifies that the term "remnant" shall apply only to the categories listed in section 171-52(a), Hawaii Revised Statutes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

