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## 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 the term "remnant".

16           The purpose of this Act is to clarify the definition of the  
17 term "remnant" for purposes relating to the disposition of



1 public lands consistent with the State's constitutional mandate  
2 under the public land trust.

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

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

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

16 (2) [~~Vacated,~~] Is vacated, closed, abandoned, or  
17 discontinued road, street or alley or walk, railroad,  
18 ditch, or other right-of-way[-]; or

19 (3) Has been determined by the attorney general to  
20 present, if retained by the State, a significant and  
21 unavoidable risk of liability beyond that generally



1 associated with undeveloped natural areas based on  
2 engineering reports, land surveys, or a history of  
3 injuries to persons or property specifically  
4 concerning the parcel being considered as a remnant.

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

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

9 (2) Unless the board finds that:

10 (A) The parcel does not contain natural or cultural  
11 resources necessary for the exercise of native  
12 Hawaiian subsistence, cultural, or religious  
13 practices pursuant to the state constitution;

14 (B) The uneconomic nature of the parcel is primarily  
15 attributable to circumstances beyond the State's  
16 control;

17 (C) There is substantial evidence in the record  
18 supporting the decision to dispose of the parcel;  
19 and

20 (D) No public purpose would be served by retaining  
21 the parcel."




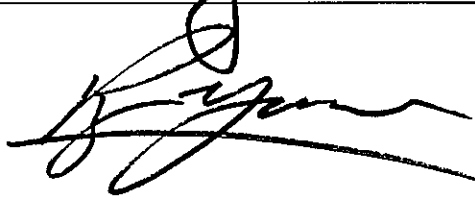

# H.B. NO. 515

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

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

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INTRODUCED BY:

  
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JAN 23 2015



# H.B. NO. 515

**Report Title:**

Public Lands; Remnants; Definition; Disposition

**Description:**

Clarifies the definition of the term "remnant" for purposes relating to the disposition of public lands. Establishes restrictions on the disposition of remnants.

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

