

---

---

# 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"  
3 for 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;

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



1       (3) Has been determined by the attorney general to  
 2       present, if retained by the State, a significant and  
 3       unavoidable risk of liability beyond that generally  
 4       associated with undeveloped natural areas based on  
 5       engineering reports, land surveys, or a history of  
 6       injuries to persons or property specifically  
 7       concerning the parcel being considered as a remnant.

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

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

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

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 Statutory material to be repealed is bracketed  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

19       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. Establishes restrictions on the disposition of remnants when such remnants contain resources necessary for the exercise of native Hawaiian subsistence, cultural, or religious practices pursuant to the state constitution. (HB515 HD1)

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

