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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 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 in order to ensure that remnants are treated consistently with  
4 the State's constitutional mandate under the public land trust.

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

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

- 16           (1) ~~[Land]~~ Is acquired by condemnation ~~[which]~~ that is in  
17 excess of the needs for which condemned; or
- 18           (2) ~~[Vacated,]~~ Is a vacated, closed, abandoned, or  
19 discontinued road, street or alley or walk, railroad,  
20 ditch, or other right-of-way.



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

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

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

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 Statutory material to be repealed is bracketed  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

12 SECTION 4. This Act shall take effect on July 1, 2030.



**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 as a remnant of land that contains resources necessary for the exercise of native Hawaiian subsistence, cultural, or religious practices. (HB515 HD3)

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

