
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-43, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§171-43 Lease of campsites or sites for youth athletic**
4 **[~~and/or~~] or educational activities[-], or both.** (a) The board
5 of land and natural resources may directly lease without
6 recourse to public auction to any eleemosynary or religious
7 organization campsites or sites for youth athletic [~~and/or~~] or
8 educational activities, or both, in a state park area or on
9 lands under the control of the department of land and natural
10 resources at nominal consideration.

11 (b) Where the lease is for campsites, the lease shall
12 provide that the lessee shall permit the public to use the
13 campsites at the rates approved by the board in its rules [~~and~~
14 ~~regulations. Except as provided herein, the~~].

15 (c) The terms and conditions of sections 171-33, 171-35
16 and 171-36 shall apply[-], except as provided in this section.



1 (d) The lessee may sublet the whole or any part of the
2 demised premises without the approval of the board; provided
3 that:

- 4 (1) The sublease term shall not exceed one week;
5 (2) The rent charged to the sublessee shall not exceed an
6 amount necessary for the lessee to cover the lessee's
7 operational costs; and
8 (3) The demised premises shall be used substantially for
9 the purposes for which it was originally intended."

10 SECTION 2. Section 171-43.1, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§171-43.1 Lease to eleemosynary organizations.** (a) The
13 board may lease, at a nominal consideration, by direct
14 negotiation and without recourse to public auction, public lands
15 to an eleemosynary organization [~~which~~] that has been certified
16 to be tax exempt under sections 501(c)(1) or 501(c)(3) of the
17 Internal Revenue Code of 1986, as amended.

18 (b) The lands shall be used by [~~such~~] the eleemosynary
19 organizations for the purposes for which their [~~charter was~~
20 charters were issued and for which they were certified by the
21 Internal Revenue Service.



1 (c) Notwithstanding any law to the contrary, the lessee
2 may sublet the whole or any part of the demised premises without
3 the approval of the board; provided that:

- 4 (1) The sublease term shall not exceed one week;
- 5 (2) The rent charged to the sublessee shall not exceed an
6 amount necessary for the lessee to cover the lessee's
7 operational costs; and
- 8 (3) The demised premises shall be used substantially for
9 the purposes for which it was originally intended."

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 upon its approval.

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INTRODUCED BY: Cindy Evans

JAN 22 2008



Report Title:

Public Lands; Lease to Eleemosynary Organizations; Subleasing

Description:

Permits certain lessees of sites on public lands to sublet the whole or part of the demised premises without approval of the board of land and natural resources; provided that the sublease term shall not exceed one week, the rent charged to the sublessee shall not exceed an amount necessary for the lessee to cover the lessee's operational costs, and the demised premises shall be used substantially for the purposes for which it was originally intended.

