



GOV. MSG. NO. 1311

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 8, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

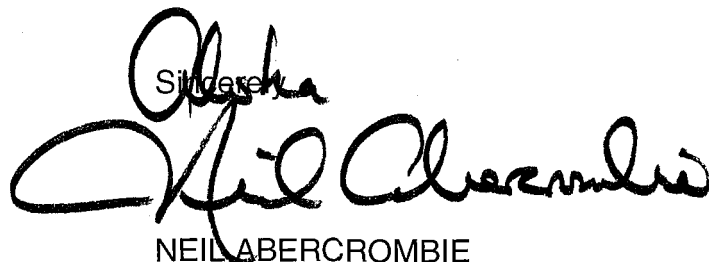
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 8, 2011, the following bill was signed into law:

HB331 HD2 SD2 CD1

RELATING TO PUBLIC LANDS
Act 207 (11)


Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-36, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The board, from time to time, upon the issuance or
4 during the term of any intensive agricultural, aquaculture,
5 commercial, mariculture, special livestock, pasture, or
6 industrial lease, may:

7 (1) Modify or eliminate any of the restrictions specified
8 in subsection (a);

9 (2) Extend or modify the fixed rental period of the lease;
10 provided that the aggregate of the initial term and
11 any extension granted shall not exceed sixty-five
12 years; or

13 (3) Extend the term of the lease,
14 to the extent necessary to qualify the lease for mortgage
15 lending or guaranty purposes with any federal mortgage lending
16 agency, to qualify the lessee for any state or private lending
17 institution loan, private loan guaranteed by the State, or any



1 loan in which the State and any private lender participates, or
2 to amortize the cost of substantial improvements to the demised
3 premises that are paid for by the lessee without institutional
4 financing, such extension being based on the economic life of
5 the improvements as determined by the board or an independent
6 appraiser; provided that the approval of any extension shall be
7 subject to the following:

- 8 (1) The demised premises have been used substantially for
9 the purpose for which they were originally leased;
- 10 (2) The aggregate of the initial term and any extension
11 granted shall not be for more than [~~fifty-five~~] sixty-
12 five years;
- 13 (3) In the event of a reopening, the rental for any
14 ensuing period shall be the fair market rental at the
15 time of reopening;
- 16 (4) Any federal or private lending institution shall be
17 qualified to do business in the State;
- 18 (5) Proceeds of any mortgage or loan shall be used solely
19 for the operations or improvements on the demised
20 premises;



1 (6) Where improvements are financed by the lessee, the
2 lessee shall submit receipts of expenditures within a
3 time period specified by the board, otherwise the
4 lease extension shall be canceled; and

5 (7) The rules of the board, setting forth any additional
6 terms and conditions, which shall ensure and promote
7 the purposes of the demised lands."

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

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

APPROVED this 8 day of JUL , 2011


GOVERNOR OF THE STATE OF HAWAII

