

ACT 135

An Act Relating to the Public Lands of the State of Hawaii.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section -17(c) as listed under section 2, Act 32, Session Laws of Hawaii 1962 is hereby amended to read as follows:

“(c) **Repurchase.** In the repurchase of any land by the board, the board shall have the option to repurchase such land for the original sales price or the fair market value at the time of repurchase, whichever is the lower. At the time of the repurchase, the fair market value shall be determined by said qualified appraiser whose services have been contracted for as provided herein; provided, however, should the owner fail to agree upon such value, he may appoint his own appraiser who together with the board’s appraiser shall appoint a third appraiser, and the value shall be determined by arbitration as provided in chapter 188. The owner shall pay for his own appraiser and the cost of the third appraiser shall be borne equally.”

SECTION 2. There shall be added to section -17 a new subsection to read as follows:

“(d) **Reopening.** In the event of reopening of the rental to be paid on a lease, the rental for any ensuing period shall be the rental for the

immediately preceding period or the fair market rental at the time of reopening, whichever is the higher. At the time of the reopening, the fair market rental shall be determined by said appraiser whose services have been contracted for as provided herein; provided, that should the lessee fail to agree upon such fair market rental, he may appoint his own appraiser who together with the board's appraiser shall appoint a third appraiser and the fair market rental shall be determined by arbitration as provided in chapter 188. The lessee shall pay for his own appraiser and the cost of the third appraiser shall be borne equally."

SECTION 3. The existing subsections "(17d)" and "(17e)" are accordingly retitled "(17e)" and "(17f)" respectively.

SECTION 4. The second paragraph of section -3 is hereby deleted in its entirety.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 3, 1963.) **S.B. 1174.**
