

ACT 116

S.B. NO. 280

A Bill for an Act Relating to Public Lands.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 171-17, Hawaii Revised Statutes, is amended by amending subsection (d) 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 least six months prior to the time of reopening, the fair market rental shall be determined by an appraiser whose services shall be contracted for by the board[;] and the lessee shall be promptly notified of the determination; provided[,] that should the lessee fail to agree upon the 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 658. The lessee shall pay for his own appraiser, the board shall pay for its appraiser, and the cost of the third appraiser shall be borne equally by the lessee and the board.[”] Any language in present leases to the contrary notwithstanding, the provisions of this subsection, when possible and notwithstanding the six month notice required, shall apply to leases with original lease rental reopening dates effective after the enactment of this bill into law.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 28, 1985.)