

ACT 206

H.B. NO. 1752

A Bill for an Act Relating to Public Lands.

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

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

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

- (1) [modify] Modify or eliminate any of the restrictions specified in subsection (a);
- (2) [extend] Extend or modify the fixed rental period of the lease; or
- (3) [extend] Extend the term of the lease

to the extent necessary to qualify the lease for mortgage lending or guaranty purposes with the Federal Housing Administration, Federal National Mortgage Association, Department of Veterans Affairs, Small Business Administration, Farmers Home Administration, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, or any other federal mortgage lending agency qualified to do business in the State, and their respective successors and assignees, or to qualify the lessee for any state or private lending institution loan, private loan guaranteed by the State, or any loan in which the State and any private lender participates; provided that the private lender shall be qualified to do business in the State; provided further that the approval of any extension shall be subject to the following:

- (1) The demised premises have been used substantially for the purpose for which they were originally leased;

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- (2) The aggregate of the initial term and any extension granted shall not be for more than fifty-five years;
- (3) [The rental shall not be less than the rental for the preceding term;] In the event of a reopening, the rental for any ensuing period shall be the fair market rental at the time of reopening; and
- (4) The rules of the board, setting forth any additional terms and conditions, which shall ensure and promote the purposes of the demised lands.’’

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 Statutory material to be repealed is bracketed.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 June 16, 1997.)