



GOV. MSG. NO. 654

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB921 HD1 SD2, without my approval, and with the statement of objections relating to the measure.

HB921 HD1 SD2

A BILL FOR AN ACT
RELATING TO PUBLIC LANDS.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 921

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 921, entitled "A Bill for an Act Relating to Public Lands."

The purpose of this bill is to expand the potential assignees of a homestead lease to include trustees of land trusts created for the purposes of managing and holding a homestead for the benefit of the lessee and lessee's family members.

This bill is objectionable because it does not address the underlying issue of how best to resolve family disputes. The bill states that homestead leases are becoming increasingly difficult to manage as conflicts often arise between family members who may have an interest in a homestead lease. Setting up land trusts to hold and manage these leases will not resolve the conflict among surviving family members with respect to their share of the lessee's lease. The establishment of a trust can complicate the process because descendants must now also agree on the process of setting up the trust, appointing the trustee, and naming the beneficiaries. Current law, section 171-100, Hawaii Revised Statutes, allows the Office of Hawaiian Affairs to establish a successor determination program to help families with these issues.

Further, this bill would require the Board of Land and Natural Resources to take actions involving trust laws outside of their sphere of expertise.

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 921
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For the foregoing reasons, I am returning House Bill
No. 921 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'Linda Lingle', written in a cursive style.

LINDA LINGLE
Governor of Hawaii

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 921
H.D. 1
S.D. 2

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. The legislature finds that the nine hundred
2 ninety-nine-year homestead program is becoming increasingly
3 difficult to manage as conflicts often arise between family
4 members who may have an interest in a nine hundred ninety-nine-
5 year lease. Existing leases are unique in that they can only be
6 assigned to members of the lessee's family.

7 The purpose of this Act is to expand the potential
8 assignees of a homestead lease to include trustees of land
9 trusts created for the purposes of managing and holding a
10 homestead for the benefit of the lessee and lessee's family
11 members.

12 SECTION 2. Section 171-99, Hawaii Revised Statutes, is
13 amended by amending subsection (e) to read as follows:

14 "(e) Assignment; certificate of occupation or homestead
15 lease. No existing certificate of occupation or existing
16 homestead lease, or fractional interest thereof, shall be
17 transferable or assignable except by conveyance, devise,
18 bequest, or intestate succession and with the prior approval of



1 the board of land and natural resources; provided that transfer
2 or assignment by conveyance, devise, or bequest shall be limited
3 to a member or members of the occupier's or lessee's family[-],
4 or in the case of a homestead lease, to any person or persons
5 designated as a trustee of a land trust.

6 For the purposes of this section[~~,"family"~~]:

7 "Family" means the spouse, reciprocal beneficiary,
8 children, parents, siblings, grandparents, grandchildren,
9 nieces, nephews, a parent's siblings, children of a parent's
10 siblings, and grandchildren of a parent's siblings, of the
11 occupier or lessee.

12 "Land trust" means a trust that has been created for the
13 purposes of managing and holding the homestead leasehold estate
14 for the benefit of the lessee and lessee's family members. The
15 lessee may be the trustee of the trust.

16 All the successors and assignees, including the trustee of
17 a land trust, shall be subject to the performance of the
18 unperformed conditions of the certificate of occupation or the
19 homestead lease[-], and the trustee of a land trust, as assignee
20 of the homestead lease, may assume all obligations of the lessee
21 under the homestead lease."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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