
A BILL FOR AN ACT

RELATING TO ORDER OF SUCCESSION.

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

1 SECTION 1. Section 26-2, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsections (a) through (c) to read:

4 "(a) When the office of lieutenant governor is vacant by
5 reason of the lieutenant governor's becoming governor, or the
6 lieutenant governor's failure to qualify, or the lieutenant
7 governor's removal from office, death, resignation, or
8 otherwise, the powers and duties of the office of lieutenant
9 governor shall devolve upon the president of the senate;
10 provided that the president of the senate is of the same
11 political party as the governor; or, if [there is none] the
12 president of the senate is not of the same political party as
13 the governor or upon the president's failure to resign promptly
14 from all legislative offices held by the president, then upon
15 the speaker of the house of representatives; provided that the
16 speaker of the house of representatives is of the same political
17 party as the governor; or, if [there is none] the speaker of the
18 house of representatives is not of the same political party as



1 the governor or upon the speaker's failure to resign promptly
2 from all legislative offices held by the speaker, then [~~upon the~~
3 ~~attorney general, the director of finance, the comptroller, the~~
4 ~~director of taxation, and the director of human resources~~
5 ~~development in the order named; provided that any officer upon~~
6 ~~whom the powers and duties of the office of lieutenant governor~~
7 ~~devolve may decline the powers and duties without the officer's~~
8 ~~resignation from the office by virtue of the holding of which~~
9 ~~the officer qualifies to act as lieutenant governor, in which~~
10 ~~event the powers and duties will devolve upon the next officer~~
11 ~~listed in the order of succession.] upon a person appointed by
12 the governor who is a member of the same political party as the
13 governor and is qualified to hold the office of lieutenant
14 governor pursuant to article V, section 2, of the Hawaii State
15 Constitution.~~

16 (b) When the lieutenant governor is temporarily absent
17 from the State or is temporarily disabled, the powers and duties
18 of the office of the lieutenant governor shall devolve upon [~~the~~
19 ~~foregoing officers, other than the president of the senate and~~
20 ~~the speaker of the house,] the attorney general, the director of
21 finance, the comptroller, the director of taxation, and the
22 director of human resources development in the order named.~~



1 (c) The powers and duties of any officer [~~acting~~]
2 designated in subsection (b) to act as lieutenant governor
3 [~~under this section~~] shall include the powers and duties of the
4 office of governor when that office is vacant, or when the
5 governor is absent from the State or is unable to exercise and
6 discharge the powers and duties of the governor's office, in
7 addition to the other powers and duties of the lieutenant
8 governor.

9 No person other than the elected governor or lieutenant
10 governor shall become governor, provision being made by this
11 section only for an acting governor."

12 2. By amending subsection (e) to read:

13 "(e) During the period that any officer[~~r~~] under this
14 section is exercising the powers and performing the duties of
15 the office of governor or lieutenant governor by reason of a
16 permanent vacancy therein, and not otherwise, the officer shall
17 receive the compensation and perquisites of the governor or
18 lieutenant governor, as the case may be."

19 3. By amending subsection (g) to read:

20 "(g) No officer shall act as [~~governor or~~] lieutenant
21 governor under subsection [~~(a) or (b) of this section,~~] (b),
22 unless the officer is eligible to the office of lieutenant



1 governor under the constitution. No officer other than a
2 legislative officer shall act as governor or lieutenant governor
3 under this section unless the officer has been appointed and
4 confirmed prior to the time the powers and duties of the office
5 of governor or of lieutenant governor devolve upon the officer.
6 No officer shall act as governor or lieutenant governor under
7 this section if the officer is under impeachment at the time the
8 powers and duties of the office of governor or lieutenant
9 governor devolve upon the officer."

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



Report Title:

Order of Succession; Lieutenant Governor

Description:

Clarifies that the successor to the Office of Lieutenant Governor, when the Office of Lieutenant Governor becomes vacant, must be a member of the same political party as the Governor. Clarifies the order of succession if the Lieutenant Governor is temporarily absent from the State or temporarily disabled.
(HB1288 CD1)

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