
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 or upon
12 the president's failure to resign promptly from all legislative
13 offices held by the president, then upon the speaker of the
14 house of representatives; provided that the speaker of the house
15 of representatives is of the same political party as the
16 governor; or, if there is none or upon the speaker's failure to
17 resign promptly from all legislative offices held by the
18 speaker, then [~~upon the attorney general, the director of~~



1 ~~finance, the comptroller, the director of taxation, and the~~
2 ~~director of human resources development in the order named,~~
3 ~~provided that any officer upon whom the powers and duties of the~~
4 ~~office of lieutenant governor devolve may decline the powers and~~
5 ~~duties without the officer's resignation from the office by~~
6 ~~virtue of the holding of which the officer qualifies to act as~~
7 ~~lieutenant governor, in which event the powers and duties will~~
8 ~~devolve upon the next officer listed in the order of~~
9 ~~succession.] upon a person appointed by the governor who is a~~
10 ~~member of the same political party as the governor and is~~
11 ~~qualified to hold the office of lieutenant governor pursuant to~~
12 ~~article V, section 2, of the Hawaii state constitution.~~

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

20 (c) The powers and duties of any officer [acting]
21 designated in subsection (b) to act as lieutenant governor
22 ~~[under this section]~~ shall include the powers and duties of the



1 office of governor when that office is vacant, or when the
2 governor is absent from the State or is unable to exercise and
3 discharge the powers and duties of the governor's office, in
4 addition to the other powers and duties of the lieutenant
5 governor."

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

7 "(e) During the period that any officer[7] under this
8 section is exercising the powers and performing the duties of
9 the office of governor or lieutenant governor by reason of a
10 permanent vacancy therein, and not otherwise, the officer shall
11 receive the compensation and perquisites of the governor or
12 lieutenant governor, as the case may be."

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

14 "(g) No officer shall act as governor or lieutenant
15 governor under subsection [~~(a) or (b) of this section,~~] (b),
16 unless the officer is eligible to the office of governor under
17 the constitution. No officer other than a legislative officer
18 shall act as governor or lieutenant governor under this section
19 unless the officer has been appointed and confirmed prior to the
20 time the powers and duties of the office of governor or of
21 lieutenant governor devolve upon the officer. No officer shall
22 act as governor or lieutenant governor under this section if the



1 officer is under impeachment at the time the powers and duties
2 of the office of governor or lieutenant governor devolve upon
3 the officer."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 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 HD1)

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