

ACT 262

A Bill for an Act Relating to the Order of Succession to the Offices of Governor and Lieutenant Governor.

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

SECTION 1. Chapter 14A of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section, to be appropriately numbered and to read as follows:

“Section **Order of succession to offices of governor and lieutenant governor.** (a) When the office of lieutenant governor is vacant by reason of the lieutenant governor’s becoming governor, or his failure to qualify, or his removal from office, death, resignation or otherwise, the powers and duties of the office of lieutenant governor shall devolve upon the president of the senate; or, if there be none or upon his failure to resign promptly from all legislative offices held

by him, then upon the speaker of the house of representatives; or if there be none or upon his failure to resign promptly from all legislative offices held by him, then upon the attorney general, the director of finance, the comptroller, the director of taxation and the director of personnel services in the order named; provided, however, that any officer upon whom the powers and duties of the office of lieutenant governor devolve may decline such powers and duties without his resignation from the office by virtue of the holding of which he qualifies to act as lieutenant governor in which event such powers and duties will devolve upon the next officer listed in the order of succession.

(b) When the lieutenant governor is temporarily absent from the State or is temporarily disabled, the powers and duties of the office of the lieutenant governor shall devolve upon the foregoing officers, other than the president of the senate and the speaker of the house, in the order named.

(c) The powers and duties of any officer acting as lieutenant governor under the provisions of this section shall include the powers and duties of the office of governor when that office is vacant, or when the governor is absent from the State or is unable to exercise and discharge the powers and duties of his office, in addition to the other powers and duties of the lieutenant governor.

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

(d) An officer succeeding to the powers and duties of the lieutenant governor, under subsection (b) of this section, may designate an officer in the office of the lieutenant governor to perform any or all functions other than those pertaining to the office of governor.

(e) During the period that any officer, under the provisions of this section, is exercising the powers and performing the duties of the office of governor or lieutenant governor by reason of a permanent vacancy therein, and not otherwise, such officer shall receive the compensation and perquisites of the governor or lieutenant governor, as the case may be.

(f) In a case covered by subsection (a), the taking of the oath of office by an officer, other than a legislative officer required to resign under the provisions of subsection (a), shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as lieutenant governor.

(g) No officer shall act as governor or lieutenant governor under the provisions of subsection (a) or (b) of this section, unless he shall be eligible to the office of governor under the constitution. No officer other than a legislative officer shall act as governor or lieutenant governor under the provisions of this section unless he shall have been appointed and confirmed prior to the time the powers and duties of the office of governor or of lieutenant governor devolve upon him. No officer shall act as governor or lieutenant governor under the provisions of this section if he is under impeachment at the time the

powers and duties of the office of governor or lieutenant governor devolve upon him.”

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) **H.B. 145.**