



GOV. MSG. NO. 1330

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 13, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker
and Members of the House
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

I am transmitting herewith SB218 SD1 HD1, without my approval, and with the statement of objections relating to the measure.

SB218 SD1 HD1

RELATING TO ORDER OF SUCCESSION

Sincerely,

DAVID Y. IGE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2015

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 218

Honorable Members
Twenty-Eighth 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, Senate Bill No. 218, entitled, "A Bill for an Act Relating to Order of Succession."

The purpose of this bill, among other things, is to provide that the individual who will succeed to the office of Lieutenant Governor when that office becomes vacant by reason of the Lieutenant Governor becoming Governor, the Lieutenant Governor's failure to qualify, or the Lieutenant Governor's removal from office, death, resignation, or otherwise, will first be the Senate President, provided that the Senate President is of the same political party as the Governor and promptly resigns his or her legislative office. If the Senate President does not meet those criteria, then the Speaker of the House of Representatives will become the Lieutenant Governor if that individual is of the same political party as the Governor and promptly resigns his or her legislative office. If neither the Senate President or the Speaker of the House of Representatives is of the same political party as the Governor or promptly resigns their legislative offices, then the Governor may appoint an individual who is a member of the same political party as the Governor and is qualified to hold the office of Lieutenant Governor pursuant to Section 2 of Article V of the Hawaii State Constitution.

This bill is objectionable because it does not provide for succession in the situation when the office of the Governor becomes permanently vacant at the same time as the office of the Lieutenant Governor and the Senate President and the Speaker of the House belong to a political party different from that of the Governor. In that situation, however unlikely to occur, there is no one to appoint a member of the same

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political party as the Governor to be the Lieutenant Governor to act in the Governor's stead, and there will be no one to succeed to the office of the Governor. This lack of a provision for succession under such circumstances could cause confusion and disrupt the normal functioning of state government activities.

This bill is substantially similar to House Bill No. 1288, which was vetoed by Governor Neil Abercrombie in 2014 for the same reasons. The flaw contained in the previous bill was not remedied by Senate Bill No. 218.

For the foregoing reasons, I am returning Senate Bill No. 218 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large loop at the end.

DAVID IGE
Governor of Hawaii

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 by amending subsections (a) through (c) to read as
3 follows:
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



1 house is not of the same political party as the governor or upon
2 the speaker's failure to resign promptly from all legislative
3 offices held by the speaker, then [~~upon the attorney general,~~
4 ~~the director of finance, the comptroller, the director of~~
5 ~~taxation, and the director of human resources development in the~~
6 ~~order named; provided that any officer upon whom the powers and~~
7 ~~duties of the office of lieutenant governor devolve may decline~~
8 ~~the powers and duties without the officer's resignation from the~~
9 ~~office by virtue of the holding of which the officer qualifies~~
10 ~~to act as lieutenant governor, in which event the powers and~~
11 ~~duties will devolve upon the next officer listed in the order of~~
12 ~~succession.] upon a person appointed by the governor who is a~~
13 member of the same political party as the governor and is
14 qualified to hold the office of lieutenant governor pursuant to
15 article V, section 2, of the Hawaii State 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~~



1 finance, the comptroller, the director of taxation, and the
2 director of human resources development in the order named.

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

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

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

APPROVED this day of , 2015

GOVERNOR OF THE STATE OF HAWAII