



The Lieutenant Governor — A Legislative or Executive Office?

by Steve Adams
and Richard Bostic

Fresh from a convincing victory over his Republican opponent in the 1976 elections, Lt. Gov. James C. (Jimmy) Green began flexing the muscles of his office. In 1977, as presiding officer of the state Senate, Green led the upper chamber in attempting to confer by law the chairmanship of the prestigious State Board of Education on the lieutenant governor. Some precedent for this move existed. From 1943-54, the lieutenant governor had been the state official who chaired the State Board — but then only by tradition, not by state law.

The Senate voted 42-1 with their leader, a stunning margin considering the State Board was expected to select as chairperson the *governor's* recommendation. But the Senate bill making Green chairman was voted down in the House of Representatives Education Committee, and Gov. James B. Hunt, Jr., a veteran of the lieutenant governorship himself, prevailed. The State Board of Education accepted Hunt's choice, H. David Bruton, as chairman. Despite this defeat, Green had exercised a new level of power for a lieutenant governor: a bid for the chairmanship of a highly visible and important executive-branch board through overt legislative maneuvering.

Since that clash in 1977, Hunt and Green have mostly gone their separate political ways. Elected independently — not as part of a “team” as is the case in 22 states¹ — Lt. Gov. Green and Gov. Hunt have developed distinctive agendas, power bases, and organizations. In 1980, following a

1977 amendment to the state Constitution allowing succession in both offices, Green and Hunt were elected to unprecedented second terms. But during the 1980 election, Green was careful to distinguish himself from Hunt. “If you want a yes-man as lieutenant governor, you don't want Jimmy Green,” read the Green re-election literature.

What is a “yes-man” lieutenant governor? And what makes such a phrase a potent campaign slogan? Unlike any other state official, the lieutenant governor straddles the executive and legislative branches, vested with constitutional and statutory powers in both branches. First in line of succession in the executive branch (upon the governor's death, resignation, or removal from office), the North Carolina lieutenant governor also wields extensive power over the legislative process. And in the last decade, the position has grown from a part-time office with a \$12,000 annual budget to a full-fledged power base with a \$300,000 annual budget. How has this growth in the stature of the position influenced the nature of the office? Does the lieutenant governor function primarily as a legislative leader or as an executive-branch official?

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The N.C. Constitution of 1868 established the office of lieutenant governor, placing it first in line of succession to the governor *and* at the head of the Senate. From the outset, then, the office had a foot firmly in two different branches of government. Even so, few controversies over the office arose for a century. As recently as the 1960s, the lieutenant governor functioned in a part-time capacity, much as did the "citizen legislators" who came to Raleigh several months out of every two-year period. The lieutenant governor presided over the Senate when it was in session and performed mostly ceremonial executive-branch duties throughout the year.

But in the 1970s, things began to change. The lieutenant governor became a member of the Council of State, acquired new influence through appointments to executive-branch boards, benefited from the election of a Republican governor, and piggy-backed the "coming of age" of the General Assembly. Collectively, these factors served to elevate the office from a part-time, low-visibility position of questionable influence to a major power base within the state.

A new state Constitution, which took effect in 1971, made the lieutenant governor a member of the Council of State,² the group of independently elected, cabinet-level, executive-branch officials.³ The Council of State controls contingency and emergency funds, coordinates state data services, serves as an advisory council to the governor, and controls the sale, purchase, and improvement of state land and buildings. In 1971, the other members of the Council of State were full-time officials but H. Patrick Taylor, Jr., then the lieutenant

governor, was not. Taylor complained about the frequent two hour trips for Council of State meetings from his home in Wadesboro to Raleigh, made during his "off" time. The job was on its way to becoming full-time. The 1971 General Assembly formalized this process by increasing the salary of the lieutenant governor from \$5,000 to \$30,000, effective in 1973.

The 1971 Constitution made the lieutenant governor a member of the Council of State, which prompted significant changes for the office, but the same Constitution failed to clarify the duties of the position. The Constitution offered only a sketchy picture of the office: He was first in line of succession to the governor, presiding officer over the Senate, and member of the Council of State and State Board of Education. The Constitution prescribes only "such additional duties as the General Assembly or the Governor may assign to him."⁴

While the governor has made little use of that constitutional provision, the legislature has relied on it extensively. Not only did the General Assembly in 1973 elevate the position from part time to full time and increase the salary of the lieutenant governor six-fold in one fell swoop, but it also began to empower the office with significant executive-branch duties, primarily through appointments to executive-branch boards.

The General Assembly, for example, granted the lieutenant governor membership, by statute, on the Council on Interstate Cooperation, the N.C. Capital Planning Commission, the Economic Development Board, and the State Board of Com-



Robert Scott (right), lieutenant governor from 1965-69, confers with his uncle, Ralph Scott, a powerful state senator for many years. Robert Scott says his most important power was committee appointments: "If the Senate leadership takes that power away, [a lieutenant governor] really doesn't do anything but preside."

Photo courtesy of the Scott family

munity Colleges.⁵ Moreover, as the legislature created many new executive-branch boards and commissions, it provided the lieutenant governor with the power to make appointments to these boards.⁶ The lieutenant governor was acquiring significant new executive-branch responsibilities, particularly on education and fiscal policies, through actions taken by the General Assembly. This acquisition of power in the executive branch stemmed, ironically, from the lieutenant governor's influence over the legislature.

In 1973, the first Republican governor in North Carolina in the 20th century, James E. Holshouser, Jr., took office together with a Democratic lieutenant governor, Jim Hunt. The Democrats, who still controlled the legislature, responded to the

partisan split in the executive branch by further strengthening the executive powers of the lieutenant governor. The legislature gave the lieutenant governor statutory control over numerous appointments, including two positions to the powerful Advisory Budget Commission (ABC). (The statute, N.C.G.S. 143-4, also designates the chairman of the Appropriations and the Finance Committees of the Senate as members of the ABC; the lieutenant governor also appoints these two chairmen.)

In the absence of a Democratic governor, the lieutenant governor took on added responsibilities both within the state Democratic Party and within the workings of the state Senate. Hunt attempted to build consensus for new legislation in the Democratic caucus and assisted in the campaigns

The N.C. Lieutenant Governor — How Powerful in a National Context

Table 1: Lieutenant Governors in the South: Power and Duties (1982)

State	Type of plan	Presides over Senate	Appoints committees	Breaks roll-call ties	Assigns bills	Authority for governor to assign duties to Lt. governor	Full time
Alabama	Legislative	*	*	*	*	—	N
Florida	Executive	—	—	—	—	*	Y
Georgia	Legislative	*	(a)	—	*	—	Y
Kentucky	Traditional	*	—	*	*	*	Y
Louisiana	Executive	—	—	—	—	*	Y
Maryland	Executive	—	—	—	—	*	Y
Mississippi	Legislative	*	(b)	*	*	—	Y
North Carolina	Legislative	*	*	*	*	*	Y
South Carolina	Legislative	*	(c)	*	*	*	Y
Tennessee	----- (d) -----						
Texas	Legislative	*	*	*	*	—	Y
Virginia	Traditional	*	—	*	—	*	N
West Virginia	----- (d) -----						

Asterisk (*) indicates the lieutenant governor has the power. Dash (—) indicates he or she does not have the power.

Notes:

- (a) The lieutenant governor is chairman of the Committee on Committees which appoints the committees.
- (b) Except rules and legislative service committees.
- (c) Appoints study committees but not standing committees.
- (d) No lieutenant governor, except in Tennessee the speaker of the senate bears the additional statutory title "Lieutenant Governor."

Source: *The Book of the States*, 1982-83, Volume 24, The Council of State Governments, and the National Conference of Lieutenant Governors, which has recently begun a new nationwide survey of this office.

of Democratic candidates. He functioned in essence, as the Democrats' leader in both the executive and legislative branches. After a Democratic landslide in the 1974 elections slashed Republican representation from 30 percent of the General Assembly to less than 6 percent, Hunt promised that the legislature would be "leading, not reacting."

This historical context of Hunt's election as lieutenant governor — the election of a Republican governor — thus had a major influence on how the office itself evolved. But in order to take advantage of the opportunities that became available to him in 1973, Hunt needed some means of controlling the legislative process. The tools for such control came primarily from the senators

themselves, not from the constitution or the statutes.

While the N.C. Constitution authorizes the lieutenant governor to preside over the Senate, the senators determine the extent of his legislative power. At the beginning of each session, the full Senate adopts, through a resolution, its rules for that session. Perhaps the most powerful tool afforded the lieutenant governor is "the exclusive right and authority to appoint all Committees, regular or select, and to appoint Committee Chairmen and Vice-Chairmen."⁷ This power has long been recognized for its critical leveraging capabilities. "If he [the lieutenant governor] doesn't have that, he doesn't have much," explains Robert Scott, lieutenant governor from 1965-69.

North Carolina has one of the most powerful and independent of the nation's lieutenant governors. The relative power of the office becomes clear through a method of analysis developed by the National Conference of Lieutenant Governors (NCLG). The NCLG divides the nation's 42 lieutenant governors into four categories, according to the powers they have and the trend toward either increased legislative or executive duties.* The four categories are:

Legislative Plan. Six states, all from the South (Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Texas), have a lieutenant governor with substantial legislative duties but few executive duties. Since North Carolina is the only state with no gubernatorial veto, the lieutenant governor leads the upper chamber of a legislature regarded as one of the most powerful in relation to the executive branch.

Executive Plan. Nine states, including Florida, Louisiana, and Maryland in the South, have a lieutenant governor with primarily executive-branch responsibilities. These states usually have competitive, two-party systems and strong governors. The lieutenant governor serves as a member of the governor's cabinet and presides over cabinet meetings in the governor's absence.

Traditional Plan. Twenty-four states, including Kentucky and Virginia from the South, fall into this middle-ground category, with a mixture of legislative and executive duties. The lieutenant governor usually has only nominal legislative powers, such as presiding over the Senate, and serves as the governor's liaison for various ministerial duties.

Administrative Plan. Three states (Alaska, Hawaii, and Utah) have a lieutenant governor with duties similar to those of a secretary of state.

Trends in the Office

The lieutenant governor in North Carolina has accumulated significant legislative powers in recent years, but an opposite trend has taken place nationwide. In 1950, 36 states had lieutenant governors with power to preside over a legislative body; by 1976 the number of states where the lieutenant governor had legislative presiding power had declined to 30.

Another important national pattern that has not yet appeared in North Carolina is reliance on team elections, where the governor and lieutenant governor are elected by a single ballot in the general election to avoid a party split. New York initiated the team election of these two positions in 1953. By 1976, this concept had spread to over one third of the states, and in four states (Florida, Kansas, Maryland, and Montana) candidates filed as a team for the primary.

For more information on trends in the lieutenant governorship and background of the office from a national perspective, see "The Lieutenant Governor: The Office and Powers," Council of State Governments (1976). □

*In three of the eight states without the office of lieutenant governor, the secretary of state succeeds the governor. In the other five, the speaker or president of the Senate is first in line of succession (in Tennessee, one of these five, the speaker of the senate has the additional statutory title of "Lieutenant Governor").



Photo courtesy of the N.C. State Archives

The swearing in of Lt. Gov. James B. Hunt, Jr., January 1973.

"If the Senate leadership takes that power away from him, he really doesn't do anything but preside."

Traditionally, the Senate has also given the lieutenant governor two other important powers through its rules: 1) the power to assign bills to committee — "announce the referral of the document," as Senate Rule 43 puts it,⁸ and 2) the power to vote "where there is a tie vote upon any question or election."⁹ Finally, as presiding officer, the lieutenant governor can also control floor debate.

These powers allow the lieutenant governor considerable leverage over the legislative process. Hunt, for example, helped to defeat legislation to abolish the death penalty by sending the bill to a conservative Judiciary Committee while making an unsuccessful bid to pass the Equal Rights Amendment by assigning it to a more liberal Judiciary Committee. In the 1982 "short" session, Jimmy Green showed how a lieutenant governor can control legislation before the critical appropriations and finance committees.

When confronted with a bill he considered bad legislation (a bill to prohibit state compliance with the Reagan Administration's Accelerated Cost Recovery System), Green assigned it to the Finance Committee where he asked Sen. Conrad Duncan (D-Rockingham) to "sit on the bill" for the remainder of the session. Green thus exercised, however indirectly, a form of legislative veto. Green also demonstrated how his power base allowed him influence on the appropriations side. For example, through a last-minute conversation with Sen. Harold Hardison (D-Lenoir), chairman of the Appropriations Committee, Green got some Indian scholarship funds included in a special appropriations bill.

In recent years, appointing committees has become a highly charged power source, dramatizing what political analysts Malcolm Jewell and Samuel Patterson call "one of the most powerful tools of leadership."¹⁰ When Bob Scott was lieutenant governor in the late 1960s, "I tried to accommodate them [the senators] as best I could. As far as chairmanships, sometimes I would have people who had supported me in the campaign," Scott remembers.

During the Jimmy Green era, this process of rewarding persons helpful in a campaign has become more formalized. Before each session, Green has asked the senators to submit a list of the top five committees on which they would like to serve or chair.

Green's administrative assistant William Franklin describes these forms as a necessary tool for making committee assignments. "We use the forms to find out what the [senators'] interests are," says Franklin. But the forms also appear to serve another purpose. On one application, for example, a Green aide wrote, ". . . feels he can do a good job and assures one of his loyalty to Green."

After submitting their forms to Green in 1980, 23 of the 50 senators received their preferred assignments. If "loyalty" proved important in awarding committee appointments, the aide to Green had some concrete source of reference. In 1978, Green established an informal "cabinet" to assess his political future. Nine Senate committee chairmen contributed \$250 each to become members. In addition, from April 1979 to December 1981, 31 senators gave a total of \$27,292 to North Carolinians to Re-elect Lt. Gov. Jimmy Green; 10 contributed \$1,000 or more. But Franklin is quick to point out that Green bent over backward in 1980 to be fair to those senators who supported Green's election opponent, former Speaker of the House Carl Stewart. Green appointed Senators Henry Frye, Helen Marvin, James M. Clarke, and others who supported Stewart to committee chairmanships for the 1981 session.

Senators are not the only persons attempting to have some legislative leverage through contributions to the campaigns of lieutenant governors. Political action committees (PACs) have become major sources of campaign contributions, especially in an era of rapidly escalating campaign costs. In 1980, the Jimmy Green campaign spent \$634,467 in the process of winning re-election. Of this amount, 58 PACs contributed \$70,120, including \$6,000 from utilities and \$5,000 from manufactured housing groups.

As the office of lieutenant governor gained increased powers in its own right, the General Assembly had been "coming of age" on a number of fronts (see "The Coming of Age in the N.C. General Assembly," *N.C. Insight*, December 1981). Until 1973, the legislature generally met in only

odd-numbered years. Since then, it has met at least annually and the length of sessions has increased dramatically. The legislature also established its own legal and fiscal staff, voted funds for a new building and computer system, raised the pay of its members and developed sophisticated new means of power ranging from extensive appointments to boards and commissions to control over fiscal matters once reserved for the executive branch. The legislature had been gradually abandoning the tradition of rotating committee chairmanships, and when the governor and lieutenant governor were re-elected to office in 1976, the legislature responded by electing the first two-term speaker of the House. As the legislature grew more sophisticated and seasoned in acquiring and exercising power, so did the lieutenant governor, who sat at the head of the legislature's upper chamber.

A decade ago, the lieutenant governor's office was a part-time job, limited to one four-year term, with an annual salary of \$5,000 and a budget of \$12,000. Today, a full time lieutenant governor serves up to eight years, commands a salary of \$45,000 (plus \$11,500 for expenses), oversees an annual budget of \$305,606, and draws on the fiscal analysts, bill drafters, and research assistants in the Legislative Services Office. As of May 1982, the legislature had granted the lieutenant governor 70 appointments (of citizens or legislators) to 42 executive-branch commissions, giving him access to virtually every state department. The office had become a full-time, highly visible presence in Raleigh.

North Carolina has one of the most powerful and independent lieutenant governors in the country. (See box on pages 4-5 for a comparative description of the lieutenant governors throughout the country.) Past efforts at stripping the lieutenant governor of his power have generally failed and legal maneuverings during 1982 on complex separation-of-powers questions have thus far skirted issues involving the dual nature — in the legislative and executive branches — of the lieutenant governor's powers.

In 1971, 1973, and again in 1975, the Senate attempted, but failed, to strip the lieutenant governor of his power to appoint committee membership. Then on the last day of the 1976 session, the Senate successfully voted (34-9) to eliminate the lieutenant governor's appointive power. Two months later, however, the Democratic caucus voted to reverse this action (the full Senate made this reversal formal at the opening of the new session). Strong sentiments for retaining significant legislative powers for the office had emerged. No yawning gap in the executive branch existed for the lieutenant governor to fill. As McNeill Smith, then a Democratic senator from Guilford County, put it at the time: "If we strip the lieutenant governor of whatever [legislative] influence he might have, then people will be electing somebody to be lieutenant governor who is going to be all dressed up with absolutely no place to go. Who would run for such an office?"

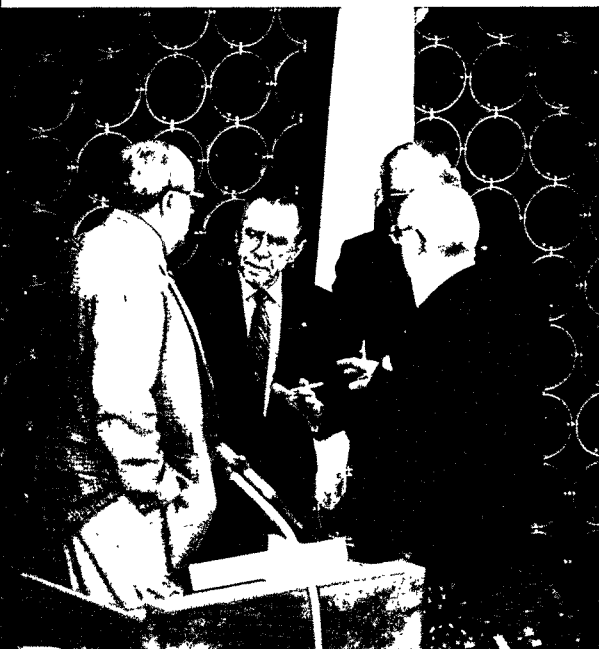
Concern over the evolution of the lieutenant governorship emerged again in 1977 when the General Assembly passed a joint resolution "directing the Legislative Research Commission to study the duties of Lieutenant Governor of North Carolina, and if appropriate, the commission shall recommend legislation expanding or modifying the present duties."¹¹ The Legislative Research Commission (LRC), then chaired by Speaker of the House Carl Stewart (D-Gaston) and President Pro Tempore of the Senate John T. Henley (D-Cumberland), reported to the 1979 legislature but failed to suggest how the office might evolve.

It balked at the idea of increasing the lieutenant governor's executive duties without stripping him of his legislative authority. Increasing the lieutenant governor's executive duties would tend to exacerbate an already fragmented executive branch, the LRC noted, where eight other officials are also elected independently of the governor (see footnote 2 for these eight offices, which together with the lieutenant governor form the Council of State). Furthermore, the Commission noted, "If the lieutenant governor is to have a major [executive-branch] role, it is essential that he be an arm of, and not an obstacle to, the governor."¹²

The 1979 LRC report also raised an important

Lt. Gov. James C. (Jimmy) Green (center) confers with the Senate power structure (from left): Sen. Kenneth Royall, Green, Sen. Craig Lawing, and Sen. Harold Hardison.

Photo by Paul Cooper



question regarding the appointive powers of the lieutenant governor, an issue that was not to surface in full force until 1982. "The issue as to whether or not the appointment of legislative committees by an ostensibly executive officer violates the separation-of-powers doctrine has not been litigated because the Lieutenant Governor has been in fact, if not in law, a legislative officer. If he becomes increasingly a part of the Executive Branch, especially if he becomes an integral part of the Governor's office, the constitutional issue will become more pressing."¹³

The LRC seemed to be foreseeing the handwriting on the wall. In January of 1982, the N.C. Supreme Court in *Wallace v. Bone* ruled that the legislature could not appoint its own members to

the "delegation" issue (the power of the full General Assembly to delegate its appointive power to certain legislative leaders), which was prompted by the separation-of-powers concerns. But neither the General Assembly nor the courts have thus far focused on other issues, including the lieutenant governor's appointive powers. Does the lieutenant governor, whether making appointments directly or recommending appointments for the approval of the General Assembly or of the governor, function as a member of the legislative or executive branch?

As the legal controversy surrounding the complex separation-of-powers questions continues, the dual nature of the lieutenant governor's office will eventually have to be addressed. The N.C. Consti-

"It is essential that (the lieutenant governor) be an arm of, and not an obstacle to, the governor."

— Legislative Research Commission Report (1979)

the Environmental Management Commission, a regulatory body in the executive branch, because such appointments violate the separation of powers provision of the N.C. Constitution. A series of legal memoranda, opinions, and findings followed that raised numerous questions concerning the interrelationship of the executive and legislative branches (see "Separation of Powers: An Old Doctrine Triggers a New Crisis," *N.C. Insight*, May 1982).

To address the separation-of-powers questions, Speaker of the House Liston Ramsey (D-Madison) and President Pro Tempore of the Senate Craig Lawing (D-Mecklenburg) established a Committee on Separation of Powers under the Legislative Research Commission. During the short "budget" session in June of 1982, the General Assembly addressed the separation-of-powers issues primarily through a catch-all act "to make omnibus amendments to the General Statutes."¹⁴ This "Separation of Powers Act of 1982" gave appointive power for membership on 25 executive-branch boards and commissions to the entire General Assembly, in most cases upon the recommendation of various legislative leaders, including the lieutenant governor. As a practical matter, the speaker of the House, the lieutenant governor, and other leaders retained their powers of appointment through this new recommendation process; the legislature in 1982 virtually always approved the legislative leaders' choices.

The Separation of Powers Act of 1982 addressed

tution places this office firmly in both the executive and legislative branches. And as a practical matter, the lieutenant governor derives his powers from the legislature and the governor. Only the highest court in the state can decide to what extent the lieutenant governor can "have it both ways" — as a member of both the legislative and executive branches.

There now appears to be little sentiment among Senate leaders to change the lieutenant governor's duties, at least before Green presides over his last session in 1984. Inevitably, changes in the office stem from the personalities involved. Since Green took office in 1977, little controversy over the scope of the lieutenant governor's duties has surfaced. Even the 1979 LRC report ended inconclusively, leaving the General Assembly with little guidance for action. The lack of attention to the nature of the office may be due in part to the fact that Green served eight terms in the legislature before becoming lieutenant governor and thus was well-entrenched with the Senate leadership (see box on page 9). In addition, the General Assembly has been extremely busy mastering the art of "special provisions" to the budget bill, coping with the new federal block grant funding mechanisms, and generally upgrading its entire operation.

But the respite for the lieutenant governor may be nearing an end. Two important factors have

Characteristics of Lieutenant Governors

What kind of people tend to be elected lieutenant governor? What are their backgrounds and their aspirations? Their age and their schooling? Are distinctive trends emerging regarding these characteristics?

No simple method exists for answering these questions. "Systematic research on the office of state lieutenant governor is quite rare," explain Eugene Declercq and John Kaminski in the *Public Administration Review* ("A New Look at the Office of Lieutenant Governor," May/June 1978). But available data do suggest some trends.

The chart below points out the most dramat-

ic development among lieutenant governors in the last 30 years: Lieutenant governors, more often than in the past, come directly to the office from the state legislature. Only one in five moved from the legislature directly into the lieutenant governorship in 1950; by 1966 almost two of every five came from the legislature; in 1974, and again in 1982, three out of five followed this political path into office. Another interesting trend is the declining number of lieutenant governors who are attorneys, from 67 percent in 1950 to 53 percent in 1966 to 32 percent in 1978. □

Table 2. Trends in Lieutenant Governors' Characteristics, 1950-1982

	United States						North Carolina			
	1950	1958	1966	1974	1978	1982	1966 (Scott)	1974 (Hunt)	1978 (Green)	1982
Sample Size¹	21	29	31	32	28	29				
Personal Characteristics										
Percent Lawyers	67%	50%	53%	50%	32%	38%	no	yes	no	no
Percent with B.A. or higher degree	83%	69%	89%	81%	93%	96%	yes	yes	no	no
Average Age	48	51	48	45	53	50	37	37	57	61
Public Experience										
Percent directly from state legislature	20%	30%	38%	59%	43%	59%	no	no	8 terms (including Speaker of the House) in legislature	
Percent directly from other public service ²	30%	23%	16%	22%	25%	14%	yes (Party officer)	yes (Party officer)		
Percent with no public service background	15%	12%	13%	9%	18%	17%	—	—	—	

¹ The date samples are incomplete because information on all the lieutenant governors does not exist in printed sources. A personalized survey of all 42 states which have lieutenant governors would be required to develop a complete data base, a task beyond the scope of this magazine article.

² "Public Service" is defined as service in elective or appointed administrative office on the federal, state, or local level, or serving as party chairman on the state or county level.

Sources: Who's Who in American Politics, Who's Who in America, The Book of the States, and reports of the National Conference of Lieutenant Governors. The U.S. data for the years 1950-1974 were reported in "A New Look at the Office of Lieutenant Governor," Eugene Declercq and John Kaminski, *Public Administration Review* (May/June 1978). The U.S. data for 1978 and 1982 were gathered by David Cecelski, for the N.C. Center for Public Policy Research. The N.C. data come from the *North Carolina Manual*.

caused the lieutenant governorship to develop a higher profile in recent years: the structure of the office and the 10-year tenure (1973-1982) of two assertive political practitioners (Hunt and Green). In North Carolina, the lieutenant governor and governor are not elected as a team. As the lieutenant governor has gained new influence in both the legislative and executive branches, a new level of competition between the lieutenant governor and governor has surfaced. Historically, the lieutenant governorship has been a potential stepping stone into the governorship, particularly in periods of greatest calm between, and within, parties. Robert Scott and Jim Hunt, for example, moved from lieutenant governor to governor in such periods (1968 and 1976, respectively).

The passage of a constitutional amendment to allow succession in both of these offices has altered the stepping-stone pattern somewhat. For example, in 1980, Jimmy Green chose not to run against Jim Hunt for governor and instead to run for re-election. Similarly, a person aspiring to be governor might now have to anticipate eight years as lieutenant governor rather than the traditional four. This expectation of a longer tenure reinforces the desire to build the independence of the office. By picking a few highly visible issues on which to differ with the governor, especially within the legislature with its built-in power base, recent lieutenant governors have brought a new level of attention to the office.

While the structure of the office and personalities have thus dominated its recent transitions, other types of issues could result in the duties of the lieutenant governor coming under still more scrutiny. The separation-of-powers controversy may force new attention on the role of the lieutenant governor. If a Republican were elected to office, a Democratic-controlled Senate would surely attempt to reduce the powers of its presiding officer. If candidates for lieutenant governor and governor got elected as a "team," the lieutenant governor would in fact be the governor's lieutenant, giving the office a much different complexion. If the lieutenant governor were delegated significant new executive authority, the office's legislative powers might also be adjusted. Finally, as the Senate appears to be moving toward full-time status, it might want to elect its own presiding officer, such as the president pro tempore,¹⁵ instead of working under the lieutenant governor.

But in the meantime, the lieutenant governor remains neither fish nor fowl. The name retains an executive-branch ring, but the real powers have more and more stemmed from the legislative side. The lieutenant governor, in 1982, has a foot in both branches of government, but it's the legislative foot that leads the way for this powerful office. □

FOOTNOTES:

¹ See "How Powerful is the North Carolina Governor?" by Thad Beyle, *N.C. Insight*, Vol. 4, No. 4, December 1981, particularly pp. 5-8.

² N.C. Constitution, Article III, Sec. 8.

³ The Council of State consists of the secretary of state, state auditor, state treasurer, attorney general, commissioner of agriculture, commissioner of insurance, commissioner of labor, superintendent of public instruction, lieutenant governor, and governor.

⁴ N.C. Constitution, Article III, Sec. 6.

⁵ Commission on Interstate Cooperation, N.C.G.S. 143B-380(1)(1975); N.C. Capitol Planning Commission, N.C.G.S. 143B-374(1975); Economic Development Board, N.C.G.S. 143B-434(a)(1977); and State Board of Community Colleges, N.C.G.S. 115D-2.1(b)(1)(1979). It is interesting to note that these statutes sometimes named the office "Lieutenant Governor" and sometimes "President of the Senate," a linguistic reflection of the dual nature of the office.

⁶ The N.C. Center for Public Policy Research will soon publish a comprehensive analysis of the more than 400 boards, commissions, and councils that exist. As of May 1982, the lieutenant governor had 70 appointments to 42 different executive-branch boards or commissions. Some of the most prominent of these 42 groups are the N.C. Milk Commission, the Child Day Care Licensing Commission, the Governor's Crime Commission, the Local Government Commission, and the Council on Educational Services for Exceptional Children. In June 1982, the General Assembly altered some appointive powers; for more detail, see the last two sections of the article text and footnote number 14.

⁷ Senate Rules, 1981 Session, Rule 31, p. 15.

⁸ Senate Rules, 1981 Session, Rule 43, p. 22.

⁹ Senate Rules, 1981 Session, Rule 11, p. 8.

¹⁰ Malcolm Jewell and Samuel Patterson, *The Legislative Process in The United States*, 3rd edition (Random House, 1977), p. 139.

¹¹ Ratified Resolution 93, 1977 Session of the General Assembly.

¹² Legislative Research Commission, "Report to the 1979 General Assembly of North Carolina - Lieutenant Governor," p. 10.

¹³ *Ibid.*

¹⁴ Separation of Powers Act of 1982, Chapter 1191 of the 1981 Session Laws (Reg. Sess., 1982).

¹⁵ The full Senate elects from its membership a president pro tempore (N.C. Constitution, Art. II, Sec. 14). This officer of the Senate serves as president of the Senate if that office is vacant or if the president is incapacitated (N.C. Constitution, Art. II, Sec. 14); convenes and presides over the Senate in the absence of the president of the Senate (Senate Rules, 1981 Session, Rule 4, p. 6); serves, along with the speaker of the House, as co-chairman of the Legislative Research Commission (N.C.G.S. 120-30.13); and serves as chairman of the Legislative Services Commission in odd-numbered years (N.C.G.S. 120-31). If the General Assembly chose to exert greater control over the functions of the Senate, it could grant some appointive powers now held by the lieutenant governor to the president pro tempore.