

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

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HOUSE BILL 1169

Short Title: Succession Technical Amendments.

(Public)

Sponsors: Representative Thompson.

Referred to: Judiciary I.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING AMENDMENTS TO THE GUBERNATORIAL
3 SUCCESSION ACT SO IT IS CLEAR THAT THE PRESIDENT PRO TEMPORE
4 OF THE SENATE CAN BECOME ACTING GOVERNOR IN THE ABSENCE OR
5 DISABILITY OF THE GOVERNOR AND LIEUTENANT GOVERNOR, AND TO
6 ALTERNATE BY YEAR BETWEEN THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES AND PRESIDENT PRO TEMPORE OF THE SENATE THE
8 NEXT RANK BELOW THE LIEUTENANT GOVERNOR THE RIGHT TO
9 BECOME ACTING GOVERNOR.

Whereas, the General Statutes provide that the President of the Senate is to become Acting Governor in the absence or disability of the Governor and Lieutenant Governor; and

Whereas, if there is a Lieutenant Governor, then the President Pro Tempore does not become President of the Senate under Section 14 of Article II of the Constitution if the Lieutenant Governor is absent or disabled; and

Whereas, it has been unclear who is next in line to be Acting Governor in the absence or disability of the Governor and Lieutenant Governor; and

Whereas, it is desirable that the President Pro Tempore be in line to be Acting Governor, but it is important that there be parity between the two houses in applying the line of

succession as Acting Governor, and this would best be served by alternating years between who is next in line; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-11.1(c) reads as rewritten:

"(c) Acting Governor Generally. –

(1) If, by reason of absence from the State or physical or mental incapacity, in odd-numbered years there is neither a Governor nor a Lieutenant Governor qualified to discharge the powers and duties of the office of Governor, then the President of the Senate shall become Acting Governor.

~~(2)~~ If, at the time when under ~~subdivision (1) of this subsection~~ this subdivision, the President of the Senate is to become Acting Governor, there is no President of the Senate, or the President of the Senate fails to qualify as Acting Governor, then the Speaker of the House of Representatives shall become Acting Governor.

(2) If, by reason of absence from the State or physical or mental incapacity, in even-numbered years there is neither a Governor nor a Lieutenant Governor qualified to discharge the powers and duties of the office of Governor, then the Speaker of the House of Representatives shall become Acting Governor. If, at the time when under this subdivision, the Speaker of the House of Representatives is to become Acting Governor, there is no Speaker of the House of Representatives or the Speaker of the House of Representatives fails to qualify as Acting Governor, then the President of the Senate shall become Acting Governor.

(3) If, at the time when under ~~subdivision (2)~~ subdivision (1) or (2) of this subsection either the President of the Senate or the Speaker of the House of Representatives is to become Acting Governor, and there is no neither a President of the Senate nor a Speaker of the House of Representatives, or the Speaker of the House of Representatives fails both of them fail to qualify as Acting Governor, then that officer of the State of North Carolina who is highest on the following list, and who is not under disability to serve as Acting Governor, shall become Acting Governor: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance.

(4) Whenever the President of the Senate is mentioned in subdivisions (1) through (3) of this subsection, and there is no President of the Senate other than the Lieutenant Governor, then those subdivisions shall be applied by substituting 'President Pro Tempore' for 'President'.

Section 2. G.S. 147-11.1(d) reads as rewritten:

"(d) Governor Serving under Subsection (c). – An individual serving as Acting Governor under subsection (c) of this section shall continue to act for the remainder of

1 the term of the Governor whom he succeeds and until a new Governor is elected and
2 qualified, except that:

- 3 (1) If ~~his~~ the officer's tenure as Acting Governor is founded in whole or in
4 part upon the absence of both the Governor and Lieutenant Governor
5 from the State, then ~~he~~ that officer shall act only until the Governor or
6 Lieutenant Governor returns to the State; ~~and~~
- 7 (2) If ~~his~~ that officer's tenure as Acting Governor is founded in whole or in
8 part upon the physical or mental incapacity of the Governor or
9 Lieutenant Governor, then ~~he~~ that officer shall act only until the removal
10 of the incapacity of the Governor or Lieutenant ~~Governor~~ Governor; ~~and~~
- 11 (3) If the officer's tenure as Acting Governor is founded in part on whether
12 it is an even- or odd-numbered calendar year, then that officer shall act
13 no longer than the end of that calendar year."

14 Section 3. This act is effective when it becomes law.