

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1169
Committee Substitute Favorable 4/22/99
Third Edition Engrossed 4/28/99

Short Title: Succession Technical Amendments.

(Public)

Sponsors:

Referred to:

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 SPEAKER OF THE HOUSE OF
4 REPRESENTATIVES BECOMES ACTING GOVERNOR IN THE ABSENCE OR
5 DISABILITY OF THE GOVERNOR AND LIEUTENANT 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, with the Speaker of the House of Representatives being next in line; and

Whereas, while there is a Lieutenant Governor, the Lieutenant Governor is in fact President of the Senate so the provision can never apply; 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 in practice who is next in line to be Acting Governor in the absence or disability of the Governor and Lieutenant Governor; Now, therefore,

6 The General Assembly of North Carolina enacts:

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

8 "(c) Acting Governor Generally. –

- 1 (1) If, by reason of absence from the State or physical or mental incapacity,
2 there is neither a Governor nor a Lieutenant Governor qualified to
3 discharge the powers and duties of the office of Governor, then the
4 ~~President of the Senate~~ Speaker of the House of Representatives shall
5 become Acting Governor.
- 6 ~~(2) If, at the time when under subdivision (1) of this subsection the~~
7 ~~President of the Senate is to become Acting Governor, there is no~~
8 ~~President of the Senate, or the President of the Senate fails to qualify as~~
9 ~~Acting Governor, then the Speaker of the House of Representatives~~
10 ~~shall become Acting Governor.~~
- 11 (3) If, at the time when under subdivision ~~(2)~~(1) of this subsection the
12 Speaker of the House of Representatives is to become Acting Governor,
13 there is no Speaker of the House of Representatives, or the Speaker of
14 the House of Representatives fails to qualify as Acting Governor, then
15 that officer of the State of North Carolina who is highest on the
16 following list, and who is not under disability to serve as Acting
17 Governor, shall become Acting Governor: President Pro Tempore,
18 Secretary of State, Auditor, Treasurer, Superintendent of Public
19 Instruction, Attorney General, Commissioner of Agriculture,
20 Commissioner of Labor, and Commissioner of Insurance."
- 21 Section 2. This act is effective when it becomes law.