



# *South Dakota Legislative Research Council*

## *Issue Memorandum 98-04*

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### **The Role of the Lieutenant Governor**

#### ***Introduction***

Lieutenant governors are a lot like Rodney Dangerfield. They get little respect. Researchers frequently ignore them. People forget their names soon after they are elected. No matter how much they accomplish, citizens usually think of them only as the people second in command. While their responsibilities sometimes extend into two branches of government, lieutenant governors often do not feel connected to either the executive or the legislative branch.

The role they play in state government has changed significantly over the years, both collectively and in individual states, and it continues to change. The job that once was often a resting place for political party faithfuls is now more often occupied by someone hoping to seek higher office. In recent years, the numbers of women holding the post have grown dramatically. While they all carry the same title and face many of the same struggles, the lieutenant governors across the country are enormously diverse.

Among the states, differing methods exist for electing the lieutenant governor. Over half the states use a

#### ***A Historical Perspective***

The modern office of the lieutenant governor has roots in the American colonies. Many of the charters of the original thirteen colonies contained references to a deputy governor who would succeed to the governorship in case of a vacancy.<sup>1</sup>

Once our nation was formed, the creation of the United States vice president further encouraged the establishment and acceptance of the office.

#### ***Lieutenant Governors Across the Country***

Lieutenant governors are found in 42 states. Eight states have chosen not to have one: Arizona, Maine, New Hampshire, New Jersey, Oregon, Tennessee, West Virginia, and Wyoming.<sup>2</sup> Thus, in those states, the line of succession to the office of governor begins elsewhere, often in the office of the secretary of state.

#### ***Methods of Election***

team approach when electing their governor and lieutenant governor.<sup>3</sup> The pair either runs together from the

start or is united following the nominating process. In other states, those second in command are elected independently and accordingly, may not even belong to the same political party as their governors. Therefore, the process followed when selecting the lieutenant governor obviously has great impact on the relationship of the two and on the role the lieutenant governor plays in the executive branch.

### ***Sources of Authority***

Lieutenant governors obtain their power from three main sources. State constitutions delegate authority to them, though it is limited in almost every state. Most of them only stipulate the line of succession and whether or not the lieutenant governor serves as president of the senate. Other powers granted the officeholders come through legislation or stem from the relationship maintained by the governor and the lieutenant governor.

### ***Responsibilities in the Legislative Branch***

Of the 42 current lieutenant governors, 26 of them preside over the senate in their states.<sup>4</sup> The authorities bestowed upon them in that capacity, however, differ widely. Some of them act primarily as parliamentarians, while others have broad-based responsibilities and in a few instances, largely

manage the activities of the senate. In Texas, for example, the lieutenant governor focuses his time entirely on the legislature. He appoints committees, assigns legislation, selects committee chairs, and breaks ties.<sup>5</sup> Most other officeholders with legislative duties, however, do not wield that much power and often have at least some time to devote to matters outside the legislative environment.

No matter how significant or inconsequential, the role of the lieutenant governor in the legislative branch is tenuous. Although it would require a constitutional amendment to strip a lieutenant governor of the authority to preside over the senate, legislators can enhance or restrict that person's actual authority quite simply. All they have to do is amend their rules of procedure. In practice, they alter the rules most frequently when the lieutenant governor's political affiliation does not match that of most of the members of the senate. Under those circumstances, senators who comprise the majority often work together to assume some authority formerly in the hands of the president of the senate.

### ***Responsibilities in the Executive Branch***

Those officeholders who do not have wide responsibilities in the legislative branch usually have significant duties in the executive branch. Those elected as a team with their governors are most apt to

receive those duties from the governor directly. They often serve in the cabinet or head up important task forces or special projects. In two states, Florida and Massachusetts, the lieutenant governors have so much influence that the citizens think of them as Those officeholders elected independently of their governors are most likely to fulfill executive branch duties that are statutory in nature. They are given authority over various cabinet level departments, seats on important boards and commissions, and other specific responsibilities covering a variety of issues. Their statutory powers range from being very substantial in some states to being insignificant in others.

### ***South Dakota's Lieutenant Governor***

The responsibilities of the lieutenant governor in South Dakota have changed over the years. Similar to what has occurred in other states, the focus of the job over time has shifted from the legislative branch to the executive one.

The constitutional and statutory provisions concerning the lieutenant governor in South Dakota are brief. Constitutionally, the lieutenant governor is first in the line to succeed the governor. In addition, the constitution requires the officeholder to serve as the president of the senate, but it only gives that person the right to vote in instances of a tie among the senators. A 1972 amendment to the state constitution

partners in the administration.<sup>6</sup> These, however, are unusual situations. Although many other lieutenant governors have close working relationships with their governors, seldom do their responsibilities extend that far.

further requires the lieutenant governor to "perform the duties and exercise the powers that may be delegated to him by the Governor." No further constitutional responsibilities exist.

Statutorily, the lieutenant governor is only assigned one task. A law passed in 1992 requires the officeholder to serve as chair of the Workers' Compensation Advisory Council. It is a council that meets at least twice a year and makes annual recommendations to the Governor regarding the state's workers' compensation program.

Other statutes concerning the lieutenant governor include a law initially passed in 1978 allowing the second-in-command to receive a salary of \$50 per day and reimbursement for expenses at state rates for performing constitutional duties and other duties assigned by the Governor. A subsequent revision to the law increased the salary to \$75 a day. Then in 1987, the legislature amended the law to allow the Governor to set the salary of the lieutenant governor and to reimburse the officeholder for actual expenses associated with public service. The law in this form remains

in effect today. The salary set by the Governor is beyond the salary the lieutenant governor receives for serving as the president of the senate. Also, if the Governor does not assign enough duties to the lieutenant governor to warrant a salary, another state law permits the lieutenant governor to have a salary. Although the lieutenant governor has presided over the senate continually since statehood, the officeholder's role in the legislative process has not remained the same.

During the 1970s, state senators opted to modify their rules of procedure several times. Many of these modifications weakened the role of the president of the senate and put more control into the hands of various senators.

Before 1971, the president of the senate singlehandedly appointed the members of the standing committees in the senate. In that year, senators changed their rules of procedure to allow the majority leader to make the appointments after seeking the advice of the president and president pro tempore of the senate. Two years later in 1973, the president of the senate resumed the role of making the appointments, but first had to consult the president pro tempore, majority leader, and the minority leader. The committee appointment process changed again in 1975. This time they changed the rules to state that the president of the senate would merely announce the members of the committees, not actually

lieutenant governor to receive a per diem for service on any boards or commissions established by the legislature.

### ***Responsibilities in the Legislative Branch***

appoint them. Making the appointments was left to the president pro tempore and the minority leader, and that is the procedure the senators follow today.

Despite these changes, the lieutenant governor retains some important responsibilities in the legislative branch. The rules of the Legislature allow the officeholder to appoint conference committees and to assign bills to committees, and, of course, the constitution allows that ever important vote in cases of a tie.

At times in the state's recent history, sentiment has existed to end the lieutenant governor's role in the legislative branch. In fact, the question of whether or not to remove the officeholder's constitutional authority to preside over the senate was placed before the voters on three different occasions. The idea was a part of the Constitutional Revision Commission's recommended revision of the legislative article of the state constitution, but voters rejected it along with the other legislative provisions both in 1974 and 1976. The idea resurfaced in

1985 when the Legislature again voted to place it on the ballot. This time, it was unencumbered by other provisions, but the voters rejected it nonetheless. Thus, it appears that the state's voters, at least at one time, saw merit in maintaining the dual role of the lieutenant governor.

### ***Responsibilities in the Executive Branch***

Serving as chair of one council that only meets periodically and presiding over a senate that only meets during a few weeks a year do not occupy much of the lieutenant governor's time. Therefore, since 1987, lieutenant governors have played a more active role in the executive branch than they had in previous years. Walter Dale Miller, for example, was a full-time lieutenant governor from 1987 until 1993 when he succeeded to the office of Governor. Lt. Governor Carole Hillard's official duties have, at times kept her occupied full-time, but currently the job is only half-time.

At least one Governor attempted to keep his lieutenant governor occupied full-time in years before 1987, but he was not successful. In 1975, Governor Richard Kneip appointed Lt. Governor Harvey Wollman to the position of Secretary of Agriculture. Mr. Wollman, however, was not able to assume the post for two reasons. The first was that no statutory provisions existed to allow him to receive any salary beyond what he received for

governor's time. Thus, as in many other states, the Governor has a tremendous amount of latitude in assigning other duties. The Governor could give the lieutenant governor a major role in the executive branch or delegate no authority at all to that person. This latitude, however, is a recent development considering the state constitution did not require the lieutenant governor to perform duties assigned by the Governor until 1972, and the Governor did not have statutory authority to set a salary for the lieutenant governor until 1987.

presiding over the senate. Secondly, state law prohibited the Secretary of Agriculture from holding any other public office.

### ***Conclusion***

Unlike other state officials, no mold exists into which most lieutenant governors fit. They are unique in every state where one exists. Each state's individual laws, constitutional provisions, and personalities determine the role. While lieutenant governors themselves often play a large role in determining their focus in the executive branch, they are beholden to state constitutions and the legislatures for their fate in the legislative branch.

In fact, their fate overall may be in jeopardy. Many political observers question their existence at all. The eight states that do not have one are prime indicators of that. In 1996,

the Montana Legislature voted to place a measure on the ballot to combine the offices of the lieutenant governor and the secretary of state. The voters, however, were never able to vote on it. The measure was removed from the ballot when the Montana

Supreme Court ruled that it did not contain all of the constitutional duties of both offices. If other similar attempts are made, lieutenant governors in the future may not only be struggling for that hard-earned respect, but also for survival.

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**This issue memorandum was written by Clare Cholik, Legislative Librarian for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.**

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Endnotes

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1. Gail B. Manning and Edward F. Feigenbaum, *The Lieutenant Governor: The Office and its Powers*, Council of State Governments, 1986, p. 3.
  2. Randall A. Fine, *Lieutenant Governors: The Office and Its Powers*, Council of State Governments, 1996, p. 6.
  3. *Ibid.*, p. 26.
  4. *Ibid.*, p. 20.
  5. *The Book of the States 1996-97*, Council of State Governments, 1996, p. 47.
  6. Randall A. Fine, *Lieutenant Governors: The Office and Its Powers*, Council of State Governments, 1996, p. 33.