

## **LT. GOVERNORS' STATUTORY DUTIES**

By Julia Nienaber Hurst

### **Abstract**

As Utah code states: "The assignment of important responsibilities to the lieutenant governor is essential to the continuity of state government and for the effective use of funds appropriated to the office of lieutenant governor." State legislators have a significant role to define responsibilities for a state's lieutenant governor in statute. Lieutenant governors elected statewide hold an average of eight statutory duties which range from running a government department to leading an array of commissions.

### **Introduction**

The first ever compilation of statutory duties of statewide elected lieutenant governors concludes state legislators have a significant role to define responsibilities for a state's lieutenant governor in statute. Lieutenant governors hold an average of eight statutory duties which range from running a government department to leading an array of commissions. This research was completed in January of 2017 by the National Lieutenant Governors Association (NLGA).

Significant duties are also conferred to lieutenant governors through means other than statute. For example, The Council of State Governments (CSG) says twenty-five of the forty-three statewide elected lieutenant governors preside over the state senate. Nearly all receive this power through the state constitution. A lieutenant governor may derive duties four ways: from the Constitution, from the Legislature through statute, from the governor (thru gubernatorial appointment or executive order), thru personal initiative in office, and/or a combination of these.

The principal and shared constitutional responsibility of every lieutenant governor and gubernatorial successor is to be the first official in the line of succession to the governor's office. There are forty-three statewide elected lieutenant governors. There are four Senate Presidents who are successor, in Maine, New Hampshire, Tennessee, and West Virginia. Two (2) of those use the title "Lieutenant Governor" (Tennessee and West Virginia). The secretaries of state in Arizona, Oregon, and Wyoming are gubernatorial successors. The research and this article address only the statutory duties of lieutenant governors who are elected statewide.

### **Number of Statutory Duties**

The states with the largest number of statutory duties are Alabama, Texas, and Washington. The Alabama lieutenant governor has more than thirty statutory duties. These include serving as a member of more than 20 boards or entities, and appointing 400 positions to approximately 167 boards and commissions. The Texas lieutenant governor serves as a member or joint chair of or appoints members to more than 70 boards and commissions. The Washington lieutenant governor has fifty-four statutory duties. These include serving as senate president, acting as governor when the governor is out of state, and chairing the economic development and international relations committee. The Washington lieutenant governor also statutorily serves on 10 committees or boards and makes appointments to 41 different committees or commissions.

The states in the top five spots for the greatest number of statutory duties given to the lieutenant governor are Alabama, Texas, and Washington (with more than 30 duties each), Louisiana (29 duties), Indiana (26 duties), Missouri (24 duties), and Illinois (19 duties). Just three states have given no statutory duties to the lieutenant governor (Maryland, Mississippi, and New Jersey), though each of

these lieutenant governors has duties conferred by other methods. Lieutenant governors hold an average of eight statutory duties which range from running a government department to leading an array of commissions. The research determined the average number of duties by factoring Alabama and Washington in as having thirty statutory duties. The chart below details the number of statutory duties by state for the 43 states with statewide elected lieutenant governors.

# of Statutory Duties	States with that Number of Statutory Duties
0	Maryland, Mississippi, New Jersey
1	Massachusetts, Montana, Nebraska, New York, Wisconsin
2	Delaware, Georgia, Iowa, Kansas, North Dakota
3	Michigan, South Dakota
4	Arkansas, Florida, Pennsylvania, Vermont
5	California, Connecticut, Hawaii, Nevada, Utah
6	Colorado, Idaho, Oklahoma
8	Minnesota, Virginia
9	Ohio
10	New Mexico
11	Alaska
12	Kentucky
14	North Carolina, South Carolina
18	Rhode Island
19	Illinois
24	Missouri
26	Indiana
29	Louisiana
>30	Alabama, Texas, Washington

### Format of Statutory Duties

In Kentucky, Utah, and Washington, the code defining duties is formatted to highlight the legislative intent that the lieutenant governor is a valuable asset to the state. Utah Code 67-1a states: “It is the intent of the Legislature to emphasize the significant responsibilities and duties assigned to the lieutenant governor of the state. As the second highest official of the state, the lieutenant governor is next in command of the executive department in the event of death, removal, resignation, or disability of the governor. The assignment of important responsibilities to the lieutenant governor is essential to the continuity of state government and for the effective use of funds appropriated to the office of lieutenant governor.”

Kentucky devotes one section of code exclusively to listing every duty of the lieutenant governor. Kentucky Revised Statutes (KRS) 11.400 notes the lieutenant governor is a member of the Governor’s Executive Cabinet and is a leader or member of commissions and authorities ranging from buildings and agriculture to housing, transportation, and waterways. Washington state likewise places the lieutenant governor’s duties in one code. The statute (RCW 43-15) specifies “by consolidating the duties and responsibilities of the office of lieutenant governor under one chapter, it keeps our statutes consistent among the different statewide elected offices and greater facilitates the understanding of the role of the office of lieutenant governor and its many statutorily defined duties and responsibilities.”

To direct the use of the state's second highest ranking official to the greatest competitive advantage of the state and its constituents, state legislators may consider placing the duties of lieutenant governor into one section of code, like Kentucky and Washington. Legislators may also consider codifying a statement of intent for the office of lieutenant governor, similar to Utah.

### **Types of Statutory Duties**

A quarter of the states specify in statute that a lieutenant governor may lead a department or agency of government or have any other duty designated by the governor, or in some cases, by statute (Alaska, Colorado, Indiana, Kansas, Louisiana, Minnesota, Montana, Ohio, Utah, and Wisconsin). New Jersey specifies this in the Constitution. Several states specify the department the lieutenant governor will lead. For example, in Alaska and Utah, the lieutenant governor leads the Elections division. Indiana's lieutenant governor oversees the agriculture and rural affairs divisions, among other departments. And, the Louisiana lieutenant governor is statutorily the head of the Division of Culture, Recreation, and Tourism.

Alabama, Texas, and Washington have possibly the broadest reach of duties and influence across all realms of government when appointing authority is considered. In Colorado, the lieutenant governor may, by statute, specifically serve as chief operating officer of the state and current Colorado Lt. Governor Donna Lynne holds that title. The New Mexico lieutenant governor is designated ombudsman to all residents and charged with writing an annual report of work, while the Missouri lieutenant governor acts as an elder ombudsman, statutorily charged to direct senior citizen advocacy, among some twenty other statutory powers.

Many lieutenant governors play roles in their states in the global economy. In Iowa, statute designates the lieutenant governor as the Executive Branch International Relations Protocol Officer & Coordinator between the executive and legislative branches on international activities. The Washington lieutenant governor is statutorily the Chairman of the Joint Legislative Committee on Economic Development and International Relations.

The complete research lists, by state, all statutory duties of lieutenant governors with their statutory citations. The research is located here: <http://www.nlga.us/lt-governors/office-of-lieutenant-governor/data-on-offc-of-lt-governor/>.

### **Conclusion**

The first ever compilation of statutory duties of statewide elected lieutenant governors concludes state legislators have a significant role to define responsibilities for a state's lieutenant governor in statute. Lieutenant governors hold an average of eight statutory duties which range from running a government department to leading an array of commissions. To direct the use of the state's second highest ranking official to the greatest competitive advantage of the state and its constituents, state legislators may consider placing the duties of lieutenant governor into one section of code, like Kentucky and Washington. Legislators may also consider codifying a statement of intent for the office of lieutenant governor, similar to Utah.

About the Author

Julia Nienaber Hurst has more than 20 years of state government experience as a lobbyist, legislative chief of staff and association executive. She is executive director and chief executive officer of the National Lieutenant Governors Association, also known as NLGA. See [www.nlga.us](http://www.nlga.us).