

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 316 (The Speaker, *et al.*)
(By Request – Administration)
Health and Government Operations

Task Force to Study Gubernatorial Succession in Maryland

This Administration bill establishes the Task Force to Study Gubernatorial Succession in Maryland, staffed by the Department of Legislative Services (DLS). The task force must (1) review and study the desirability and implications of expanding the gubernatorial line of succession in Maryland; (2) study recent federal proposals on U. S. Presidential succession; and (3) review current practices and recent proposals in other states on gubernatorial succession. Findings and recommendations are due to the Governor and the General Assembly by December 31, 2006.

The bill takes effect July 1, 2006 and terminates June 30, 2007.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DLS are assumed to be minimal and absorbable within existing resources. No effect on revenues.

Local Effect: None.

Small Business Effect: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

Analysis

Current Law: The Maryland Constitution provides for the gubernatorial succession by the Lieutenant Governor if the office of Governor becomes vacant. If there are simultaneous vacancies in the offices of the Governor and Lieutenant Governor, the General Assembly is to convene and elect in joint session by simple majority a new Governor to serve for the remainder of the term. The President of the Senate serves as acting Governor until the newly elected Governor has qualified for the position. The newly chosen Governor nominates a new Lieutenant Governor and the General Assembly votes to confirm the nominee in the same joint session and by simple majority. The Maryland Constitution gives the Court of Appeals original and exclusive jurisdiction to adjudicate, among other things, disputes or questions regarding gubernatorial succession.

Background: The U. S. Constitution provides that when there is a vacancy in the office of President, the Vice President becomes President for the remainder of the term. Furthermore, Title 3 of the U. S. Code provides for further presidential succession if both the offices of President and Vice President are simultaneously vacant. Generally, in this instance, the line of presidential succession is: Speaker of the House of Representatives, President *pro tempore* of the Senate, Secretary of State, Secretary of the Treasury, Secretary of Defense, and so on through all cabinet secretaries.

Additional Information

Prior Introductions: None.

Cross File: SB 226 (The President, *et al.*) (By Request – Administration) – Education, Health, and Environmental Affairs.

Information Source: Department of Legislative Services

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