

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 246 Session of 2023

INTRODUCED BY ARGALL, GEBHARD, MARTIN, J. WARD, HUTCHINSON AND STEFANO, JANUARY 31, 2023

REFERRED TO STATE GOVERNMENT, JANUARY 31, 2023

AN ACT

1 Amending the act of December 30, 1974 (P.L.1072, No.347),
 2 entitled "An act establishing procedure for determining the
 3 disability of the Governor and Lieutenant Governor," further
 4 providing for incapacity of the Governor and Lieutenant
 5 Governor.

6 The General Assembly of the Commonwealth of Pennsylvania
 7 hereby enacts as follows:

8 Section 1. The title of the act of December 30, 1974
 9 (P.L.1072, No.347), referred to as the Governor and Lieutenant
 10 Governor Disability Procedure Law, is amended to read:

11 AN ACT

12 Establishing procedure for determining the [disability]
 13 incapacity of the Governor and Lieutenant Governor.

14 Section 2. Sections 1, 2, 3, 4, 5, 6 and 7 of the act are
 15 amended to read:

16 Section 1. Whenever the Governor transmits to the General
 17 Assembly [his] and the Lieutenant Governor a written declaration
 18 that [he is unable to discharge] the Governor is incapacitated
 19 and unable to discharge the powers and duties of [his office]

1 the Office of Governor, and until [he transmits to it] a written
2 declaration to the contrary is transmitted by the Governor,
3 [such] the powers and duties shall be discharged by the
4 Lieutenant Governor as Acting Governor as provided in Article
5 IV, section thirteen of the Constitution.

6 Section 2. Whenever the Lieutenant Governor and a majority
7 of the Governor's Cabinet as defined herein transmit to the
8 General Assembly their written declaration that the Governor is
9 [unable to discharge] incapacitated and incapable of discharging
10 the powers and duties of [his office] the Office of Governor,
11 the Lieutenant Governor shall immediately assume the powers and
12 duties of the office as Acting Governor as provided in Article
13 IV, section thirteen of the Constitution.

14 Section 3. [Thereafter] Following a declaration of
15 incapacitation under section 2, when the Governor transmits to
16 the General Assembly [his] a written declaration that no
17 [disability] incapacity exists, [he] the Governor shall resume
18 the powers and duties of [his office] the Office of the Governor
19 at the expiration of four days unless within that period the
20 Lieutenant Governor and a majority of the Governor's Cabinet as
21 defined herein transmit to the General Assembly another written
22 declaration that the Governor is [unable to discharge]
23 incapacitated and incapable of discharging the powers and duties
24 of [his office] the Office of Governor.

25 Thereupon, the General Assembly shall immediately decide the
26 issue, assembling within forty-eight hours for that purpose if
27 not in session. If the General Assembly, within twenty-one days
28 after receipt of the latter written declaration, or if the
29 General Assembly is not in session, within twenty-one days after
30 the General Assembly is required to assemble, determines by two-

1 thirds vote of each House that the Governor is [unable to
2 discharge] incapacitated and incapable of discharging the powers
3 and duties of the [office] Office of Governor, the Lieutenant
4 Governor shall continue to discharge the same as Acting
5 Governor; otherwise, the Governor shall resume the powers and
6 duties of [his office] the Office of Governor.

7 Section 4. Whenever the Lieutenant Governor transmits to the
8 Governor and the General Assembly a written declaration that [he
9 is unable to discharge the powers and duties of his office] the
10 Lieutenant Governor is incapacitated and incapable of
11 discharging the powers and duties of the Office of Lieutenant
12 Governor, and until [he transmits to them] a written declaration
13 to the contrary[, such] is transmitted by the Lieutenant
14 Governor, the powers and duties shall be discharged by the
15 President Pro Tempore of the Senate as Acting Lieutenant
16 Governor as provided in Article IV, section fourteen of the
17 Constitution.

18 Section 5. Whenever the President Pro Tempore of the Senate
19 and a majority of the Governor's Cabinet as defined herein
20 transmit to the General Assembly [their] a written declaration
21 that the Lieutenant Governor is [unable to discharge]
22 incapacitated and incapable of discharging the powers and duties
23 of [his office] Office of Lieutenant Governor, the President Pro
24 Tempore of the Senate shall immediately assume the powers and
25 duties of the office as Acting Lieutenant Governor as provided
26 in Article IV, section fourteen of the Constitution.

27 Section 6. [Thereafter,] After declaration of incapacitation
28 under section 5, when the Lieutenant Governor transmits to the
29 General Assembly [his] a written declaration that no
30 [disability] incapacitation exists, [he] the Lieutenant Governor

1 shall resume the powers and duties of [his office] the Office of
2 Lieutenant Governor at the expiration of four days unless within
3 that period the President Pro Tempore and a majority of the
4 Governor's Cabinet as defined herein, transmit to the General
5 Assembly a written declaration that the Lieutenant Governor is
6 [unable to discharge] incapacitated and incapable of discharging
7 the powers and duties of [his office] the Office of Lieutenant
8 Governor.

9 Thereupon, the General Assembly shall immediately decide the
10 issue, assembling within forty-eight hours for that purpose if
11 not in session. If the General Assembly within twenty-one days
12 after receipt of the latter written declaration, or if the
13 General Assembly is not in session, within twenty-one days after
14 the General Assembly is required to assemble, determines by two-
15 thirds vote of each House that the Lieutenant Governor is
16 [unable to discharge] incapacitated and incapable of discharging
17 the powers and duties of the office, the President Pro Tempore
18 shall continue to discharge the same as Acting Lieutenant
19 Governor; otherwise, the Lieutenant Governor shall resume the
20 powers and duties of [his office] the Office of Lieutenant
21 Governor.

22 Section 7. For the purpose of this statute the Governor's
23 Cabinet shall be the heads of the Administrative Departments as
24 defined in the [Administrative Code of 1929,] act of April 9,
25 1929 (P.L.177, No.175), [as amended,] known as The
26 Administrative Code of 1929, or any successor statute, who hold
27 office by appointment of the Governor.

28 A written declaration shall be transmitted to the General
29 Assembly by hand delivery, email or facsimile to the offices of
30 the [clerks of the House and the Senate, and immediately upon

1 receipt of such declaration it shall be the duty of the clerks
2 forthwith to communicate the entire declaration to each member
3 of the House and Senate by a telegram, supplemented by such
4 other prompt communication as may be desirable under the
5 circumstances.] Majority Leader and Minority Leader of the
6 Senate and the Majority Leader and Minority Leader of the House
7 of Representatives. A written declaration shall be transmitted
8 to the Governor and the Lieutenant Governor by hand delivery,
9 email or facsimile.

10 Section 3. This act shall take effect in 60 days.