

AN ACT

Amending the act of December 30, 1974 (P.L.1072, No.347),
entitled "An act establishing procedure for determining the
disability of the Governor and Lieutenant Governor," further
providing for title of act, for Governor and declaration of
incapacitation and discharge of powers and duties of Governor
and for Lieutenant Governor and declaration of incapacitation
and discharge of powers and duties of Lieutenant Governor.

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

Section 1. The title of the act of December 30, 1974
(P.L.1072, No.347), entitled "An act establishing procedure for
determining the disability of the Governor and Lieutenant
Governor," is amended to read:

AN ACT

Establishing procedure for determining the [disability]
incapacitation of the Governor and Lieutenant Governor.

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

Section 1. Whenever the Governor transmits to their constitutional successor and the General Assembly [his] their written declaration that [he is unable to discharge] they are incapacitated and incapable of discharging the powers and duties of [his] their office, and until [he] they transmit[s] to [it] them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor as provided in Article IV, section thirteen of the Constitution.

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

Section 3. [Thereafter] After incapacitation is declared pursuant to Section 2, when the Governor transmits to the General Assembly [his] their written declaration that no [disability] incapacitation exists, [he] they shall resume the powers and duties of [his] their office at the expiration of

four days unless within that period the Lieutenant Governor and a majority of the Governor's Cabinet as defined herein transmit to the General Assembly another written declaration that the Governor is [unable to discharge] incapacitated and incapable of discharging the powers and duties of [his] their office.

Thereupon, the General Assembly shall immediately decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the latter written declaration, or if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each House that the Governor is [unable to discharge] incapacitated and incapable of discharging the powers and duties of the office, the Lieutenant Governor shall continue to discharge the same as Acting Governor; otherwise, the Governor shall resume the powers and duties of [his] their office.

Section 4. Whenever the Lieutenant Governor transmits to the General Assembly, the Governor, and their constitutional successor, a written declaration that [he is unable to discharge] they are incapacitated and incapable of discharging the powers and duties of [his] their office, and until [he] they transmit[s] to them a written declaration to the contrary, such powers and duties shall be discharged by the President Pro

Tempore of the Senate as Acting Lieutenant Governor as provided in Article IV, section fourteen of the Constitution.

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

Section 6. [Thereafter] After incapacitation is declared pursuant to Section 5, when the Lieutenant Governor transmits to the General Assembly [his] their written declaration that no [disability] incapacitation exists, [he] they shall resume the powers and duties of [his] their office at the expiration of four days unless within that period the President Pro Tempore and a majority of the Governor's Cabinet as defined herein, transmit to the General Assembly a written declaration that the Lieutenant Governor is [unable to discharge] incapacitated and incapable of discharging the powers and duties of [his] their office.

Thereupon, the General Assembly shall immediately decide the issue, assembling within forty-eight hours for that purpose if

not in session. If the General Assembly within twenty-one days after receipt of the latter written declaration, or if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each House that the Lieutenant Governor is [unable to discharge] incapacitated and incapable of discharging the powers and duties of the office, the President Pro Tempore shall continue to discharge the same as Acting Lieutenant Governor; otherwise, the Lieutenant Governor shall resume the powers and duties of [his] their office.

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

A written declaration shall be transmitted to the General Assembly by hand delivery, email, or facsimile, to the offices of the [clerks of the House and Senate, and immediately upon receipt of such declaration it shall be the duty of the clerks forthwith to communicate the entire declaration to each member of the House and Senate by a telegram, supplemented by such other prompt communication as may be desirable under the circumstances] Majority Leader and Minority Leader of the Senate

and the Majority Leader and Minority Leader of the House of Representatives.

A written declaration shall be transmitted to the Governor and the officer's constitutional successor by hand delivery, email, or facsimile, to their respective offices.

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