

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

SENATOR DUSH, STATE GOVERNMENT, AS AMENDED, MAY 9, 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:

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. SECTIONS 1, 2, 3, 4, 5, 6 AND 7 OF THE ACT OF <--
17 DECEMBER 30, 1974 (P.L.1072, NO.347), REFERRED TO AS THE
18 GOVERNOR AND LIEUTENANT GOVERNOR DISABILITY PROCEDURE LAW, ARE
19 AMENDED TO READ:

1 Section 1. Whenever the Governor transmits to the General  
2 Assembly [his] and the Lieutenant Governor a written declaration  
3 that [he is unable to discharge] the Governor is incapacitated  
4 and unable to discharge the powers and duties of [his office]  
5 the Office of Governor, and until [he transmits to it] a written  
6 declaration to the contrary is transmitted by the Governor,  
7 [such] the powers and duties shall be discharged by the  
8 Lieutenant Governor as Acting Governor as provided in Article  
9 IV, section thirteen of the Constitution.

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

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

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

1 not in session. If the General Assembly, within twenty-one days  
2 after receipt of the latter written declaration, or if the  
3 General Assembly is not in session, within twenty-one days after  
4 the General Assembly is required to assemble, determines by two-  
5 thirds vote of each House that the Governor is [unable to  
6 discharge] incapacitated and incapable of discharging the powers  
7 and duties of the [office] Office of Governor, the Lieutenant  
8 Governor shall continue to discharge the same as Acting  
9 Governor; otherwise, the Governor shall resume the powers and  
10 duties of [his office] the Office of Governor.

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

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

1 Section 6. [~~Thereafter,~~] After declaration of incapacitation  
2 under section 5, when the Lieutenant Governor transmits to the  
3 General Assembly [~~his~~] a written declaration that no  
4 ~~{disability} incapacitation~~ exists, [~~he~~] the Lieutenant Governor <--  
5 shall resume the powers and duties of [~~his office~~] the Office of  
6 Lieutenant Governor at the expiration of four days unless within  
7 that period the President Pro Tempore and a majority of the  
8 Governor's Cabinet as defined herein, transmit to the General  
9 Assembly a written declaration that the Lieutenant Governor is  
10 [~~unable to discharge~~] incapacitated and incapable of discharging  
11 the powers and duties of [~~his office~~] the Office of Lieutenant  
12 Governor.

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

26 Section 7. For the purpose of this statute the Governor's  
27 Cabinet shall be the heads of the Administrative Departments as  
28 defined in the [~~Administrative Code of 1929,~~] act of April 9,  
29 1929 (P.L.177, No.175), [~~as amended,~~] known as The  
30 Administrative Code of 1929, or any successor statute, who hold

1 office by appointment of the Governor.

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

14 Section 3 2. This act shall take effect in 60 days.

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