

No. 347

AN ACT

SB 803

Establishing procedure for determining the disability of the Governor and Lieutenant Governor.

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

Section 1. Whenever the Governor transmits to the General Assembly his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to it 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 the powers and duties of his 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, when the Governor transmits to the General Assembly his written declaration that no disability exists, he shall resume the powers and duties of his 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 the powers and duties of his 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 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 office.

Section 4. Whenever the Lieutenant Governor transmits to the General Assembly a written declaration that he is unable to discharge the powers and duties of his office, and until he transmits 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 the powers and duties of his 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, when the Lieutenant Governor transmits to the General Assembly his written declaration that no disability exists, he shall resume the powers and duties of his 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 the powers and duties of his 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 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 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 to the offices of the clerks of the House and the 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.

APPROVED—The 30th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 347.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.