

Statement of Hon. Mark S. Singel

To: Hon. David Argall, Chair

State Government Committee, Pennsylvania Senate

Date: July 18, 2022

At 5 a.m. on June 14, 1993, I became the acting governor of the Commonwealth of Pennsylvania. Those powers devolved to me as a result of the incapacitation of Gov. Robert P. Casey who would not return for six and a half months. The actual language of Article 4, Section 13 of the PA Constitution is "...in the case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disability is removed."

The transfer of power from then Governor Casey to then Lt. Governor Singel became effective with a letter signed by the Governor mentioning the exact time at which the change would be made. The specific guidance for this transaction is laid out in 71 P.S. section 784.1 which reads:

"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."

The actual letter read:

*To the General Assembly*

*Commonwealth of Pennsylvania*

*Pursuant to 71 P.S. section 784.1, I hereby declare that effective 5:00 AM, June 14, 1993, I will be temporarily unable to discharge the powers and duties of the Office of Governor, and that in accordance with Article IV, section 13 of the Pennsylvania Constitution such powers and duties shall be discharged by Lieutenant Governor Mark S. Singel, until such time as I transmit to the General Assembly a declaration to the contrary.*

*Sincerely,*

*Robert P. Casey*

*Governor*

My recollection of that moment in Pennsylvania history is that there was a reasonable amount of good faith and bipartisanship in both the Executive and Legislative branches that made the transition possible.

Similarly, Article 4, Section 14 has this to say about what happens if the Lieutenant Governor is unable to serve: "In case of the disability of the Lieutenant Governor, the powers, duties and emoluments of the office shall devolve upon the President pro tempore of the Senate until the disability is removed."

The statute that prescribes how this is to occur is 71 P.S. 784.4:

"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."

The language in the Constitution and in the statutes is, in my opinion, sufficient to ensure a peaceful transition of power should either the Governor or Lieutenant Governor become disabled. Additional requirements like establishing reporting timelines on notifications or other alterations would only add to the stress of what is, by definition, a challenging time for the public officials involved and for the Commonwealth itself.

I would caution against "fixing" a process that does not seem to be broken.