

1 to the lieutenant governor when the governor leaves the State
2 but that the governor is free to make such a transfer by
3 written notification if he should so choose.

4 Section 4.08, Removal of Governor from Office:

5 This section provides a procedure by which a dis-
6 abled governor may be removed from office. The disability
7 must be established by a two-stage process. First, the
8 General Assembly must establish by resolution concurred in
9 by a three-fifths vote of the combined membership of both
10 houses in joint session that the governor is unable to
11 carry out the duties of his office by reason of a physical
12 or mental disability. This resolution is then delivered
13 to the Court of Appeals which then must decide, using
14 whatever rules the Court may decide upon, whether or not
15 it concurs in the decision of the General Assembly.

16 If the Court of Appeals agrees with the fact finding of
17 the General Assembly, the office of governor becomes vacant.

18 It will be noted that section 3.12 of the proposed
19 Legislative Branch Article already agreed to in the Committee
20 of the Whole provides a technique through which the General
21 Assembly can call itself into session. Hence, if the