

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Senate Intergovernmental Operations
Committee,

Petitioner,

v.

Pennsylvania Department of State, et al.,
Respondents.

No. 95 MD 2022

**BRIEF IN SUPPORT OF RESPONDENTS' APPLICATION FOR RELIEF
DISMISSING THE PETITION FOR REVIEW AS MOOT**

Dated: December 5, 2022

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INTRODUCTION

In September 2021, the Senate Intergovernmental Operations Committee issued a sweeping subpoena to the Department of State demanding, among other items, records containing drivers' license numbers, partial Social Security Numbers, addresses, and dates of birth for the close to nine million registered Pennsylvania voters. The Committee was ostensibly investigating matters related to Pennsylvania's elections, and the 2020 General Election in particular. Yet it never actually explained what specific issues it was exploring or why it needed such an expansive trove of information.

The Department promptly communicated to the Committee that complying with the subpoena's demands would violate the Pennsylvania Constitution, the U.S. Constitution, and federal law, among other problems. The Department also promptly initiated its own legal action seeking an order that the subpoena is unenforceable. *See Pennsylvania v. Dush*, No. 322 MD 2021 (Pa. Commw. Ct. Sept. 23, 2021).

The Committee, however, repeatedly refused the Department's invitations to discuss what the Committee was investigating and how the Department might assist without turning over all registered voters' personal information to a private third-party vendor with no pertinent experience. It opposed the Department's plan to move to a final judgment in the Department's legal action challenging the

subpoena. It waited almost six months before taking any action to enforce the subpoena. And it met only once after issuing the subpoena.

The Senate's 2021-2022 legislative session has now concluded. On November 30, 2022, the Senate adjourned *sine die*. The Senate resolution that created the Committee, authorized its business, and conferred whatever power it has to issue subpoenas has expired. Therefore, the subpoena at the heart of this case is no longer enforceable. Accordingly, this Court should dismiss this action as moot.

FACTUAL BACKGROUND

I. The Committee's Investigation and Subpoena

In the summer of 2021, after Senator Doug Mastriano and Senator Cris Dush toured the widely discredited "audit" of Arizona's 2020 election, they returned to Pennsylvania and began pushing for something similar to happen here. *See* Dep't's Opp'n to Summ. Relief at 4, *Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep't of State*, No. 95 MD 2022 (Pa. Commw. Ct. Aug. 10, 2022). Senator Mastriano, then the Chair of the Committee, started that effort by requesting information from Philadelphia, Tioga, and York counties about the 2020 General Election. *Id.* After the counties refused to comply, Senate President Pro Tempore Jake Corman appointed Senator Dush to replace Senator Mastriano as Chair. *Id.*

On September 9, 2021, the Committee held its first hearing under Senator Dush's leadership. *Id.* at 5. The hearing, which was about the Department of State's

election-related guidance during the 2020 election, was the first time the Committee held an election-related hearing. *Id.* Until that hearing, the Committee’s agenda had been focused on issues of regulatory reform. *Id.* Fulton County Commissioner Stuart Ulsh was the only official to testify at the September 9, 2021 hearing. *Id.* Former Acting Secretary Veronica Degraffenreid provided written testimony but did not personally attend the hearing in light of pending litigation filed by Commissioner Ulsh and other Fulton County officials against her concerning election matters. *Id.* at 5-6.

The Committee subsequently held a meeting on September 15, 2021, at which it voted along party lines to issue a subpoena *duces tecum* to the Department demanding that it produce seventeen separate categories of documents. *Id.* at 7-8.

The subpoena sought detailed information about every registered Pennsylvania voter, including names, addresses, dates of birth, detailed voting histories, drivers’ license numbers, and partial Social Security numbers. *Id.* It also sought reports of audits and/or review of the Statewide Uniform Registry of Electors (“SURE”) system from 2018 to the present. *Id.* at 8. That request encompassed sensitive information about Pennsylvania’s election systems that, if disclosed, could make them vulnerable to attack. The subpoena also demanded the following: the Department’s communications with county election officials between May 1, 2020 and May 31, 2021, *id.*; election procedures and policies in effect between August 1,

2020 and June 30, 2021, *id.*; materials used to train election workers between August 1, 2020 and June 30, 2021, *id.*; a copy of the certified results of the November 2020 general election and 2021 primary election, *id.*; and 2021 voter registration reports submitted to the Department, *id.*

Senator Dush initially characterized the Committee’s work as an “investigation into the 2020 general election and 2021 primary election and how the election code is working after the sweeping changes of Act 77.” *Id.* at 6. He later asserted that voter information was requested to allow for an audit to verify the identity of Pennsylvanians who voted in the 2020 general election and their eligibility to vote “[b]ecause there have been questions regarding the validity of people who voted, whether or not they exist.” *Id.* at 7. Yet, he has never identified the source of these questions or pointed to any evidence of irregularities in the 2020 or 2021 elections. In fact, he conceded that prior election audits were done properly, and that election commissioners of both parties acknowledged as much. *Id.* He further conceded that the investigation was “not responding to proven allegations”; instead, he claimed to be “investigating the allegations to determine whether or not they are factual.” *Id.*

Meanwhile, several months after the Committee issued the subpoena, the Senate Republican Caucus, with Senator Dush’s approval, hired Envoy Sage LLC (“Envoy”) to conduct an investigation into Pennsylvania’s 2020 general election and

2021 primary election, purportedly on behalf of the Committee. *Id.* at 9. Under this arrangement, the Committee was to provide Envoy with information it received from the subpoena. *Id.* at 9-10. Envoy is a recently formed company with no election experience, no apparent physical presence, and, at most, two identifiable employees. *Id.* at 10. In October 2020, Envoy’s president and founder published an article alleging that technology companies conspired with the Democratic Party and others to “launch[] an information war” against former President Trump and comparing acts of the Democratic Party to the terror tactics of various totalitarian regimes. *Id.* at 12-13.

II. The Commonwealth’s Suit and the Committee’s Refusal to Work with the Department

On September 23, 2021, the Commonwealth, the Department, and the Acting Secretary, in order to protect Pennsylvanians’ confidential information and Pennsylvania’s election security, filed a petition for review seeking an order that the subpoena is invalid and that the Department need not comply because doing so would violate state and federal law. *See Pennsylvania v. Dush*, No. 322 MD 2021 (Pa. Commw. Ct. Sept. 23, 2021). A coalition of individual voters and nonprofit organizations successfully moved to intervene in that action.

Two other petitions challenging the subpoena were filed around the same time. *See Costa v. Corman*, No. 310 MD 2021 (Pa. Commw. Ct. Sept. 17, 2021);

Haywood v. Chapman, No. 323 MD 2021 (Pa. Commw. Ct. Sept. 26, 2021). All three actions were consolidated.

Contemporaneous with that litigation, the Department attempted to negotiate with the Committee to narrow or moot portions of the subpoena by voluntarily producing certain documents that do not implicate constitutional rights, election security, or privilege issues. *See* Prelim. Objs. ¶¶ 27, 30-31, *Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep't of State*, No. 95 MD 2022 (Pa. Commw. Ct. Apr. 15, 2022); *see also* Answer to Prelim. Objs. ¶¶ 27, 30-31, *Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep't of State*, No. 95 MD 2022 (Pa. Commw. Ct. May 13, 2022).

Although the Committee refused to narrow or withdraw any portion of the subpoena, the Department has voluntarily provided 3,432 documents responsive to six paragraphs in the subpoena. *See* Prelim. Objs. ¶ 28; *see also* Answer to Prelim Objs. ¶ 28. The Department has, however, withheld information protected from disclosure by state and federal law, including voters' sensitive personal information and sensitive election security information. *See* Prelim. Objs. ¶ 29; *see also* Answer to Prelim. Objs. ¶ 29.

The parties in the consolidated suits eventually filed motions for summary relief, which were heard by an *en banc* panel of this Court. The Court denied all applications, finding that no party had yet established a clear right to relief on any

claims. *See* Memorandum & Order, *Costa v. Corman*, No. 310 MD 2021 (Pa. Commw. Ct. Jan. 10, 2022).

After this Court's decision, the Department and Acting Secretary sought to discuss with the Committee what analysis it wanted done on voters' personal information, but the Committee refused to engage in those discussions. *See* Appl. to Lift Stay ¶¶ 11-17, *Costa v. Corman*, No. 321 MD 2021 (Pa. Commw. Ct. Jan 19, 2022) (describing effort to discuss resolution); *see also* Answer to Prelim. Objs. ¶¶ 30-31 (admitting to the Department and Acting Secretary's offer to discuss resolution).

The Department and Acting Secretary responded to the Committee's refusal to discuss resolution by filing an application to lift an existing stay on discovery and asking for a schedule to govern further proceedings. *See generally* Appl. to Lift Stay, *Costa v. Corman*, No. 321 MD 2021 (Pa. Commw. Ct. Jan. 19, 2022). The Committee opposed the Department's plan for the case to move toward final resolution. *Id.* at 8.

Two weeks later, this Court entered an order staying discovery and directing the parties to brief both whether this Court had jurisdiction over the petitions and whether the petitions were ripe. Order, *Costa v. Corman*, 310 MD 2021 (Pa. Commw. Ct. Jan. 25, 2022). A panel of this Court heard arguments on the

jurisdictional issue on September 12, 2022. The Court has not yet issued an order or decision regarding that issue.

III. This Lawsuit and the Committee’s Inactivity

Almost six months after the Committee issued the subpoena, this lawsuit was filed seeking an order to enforce it. The Committee neither met nor held any vote about whether to file suit to enforce the subpoena. Prelim. Objs. ¶¶ 34-35; *see also* Answer to Prelim. Objs. ¶¶ 34-35. Indeed, the Committee went more than six months without holding a single public hearing, meeting, or anything on its election “investigation.” Prelim. Objs. ¶ 32; *see also* Answer to Prelim. Objs. ¶ 32. Then, on March 31, 2022, it convened for the first time since voting to issue the subpoena and held a hearing about ballot drop boxes. Prelim. Objs. ¶ 33; *see also* Answer to Prelim. Objs. ¶ 33. The Committee has not met since then.

After this case began, the Department filed preliminary objections. *See generally* Prelim. Objs. Parties that had filed their own lawsuits to enjoin compliance with the subpoena successfully moved to intervene. Intervention Orders, *Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep’t of State*, No. 95 MD 2022 (Pa. Commw. Ct. July 13, 2022). The Committee, in turn, moved for summary relief on the same grounds this Court had already rejected in the consolidated litigation. *See generally* Appl. for Summ. Relief, *Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep’t of State*, No. 95 MD 2022 (Pa. Commw. Ct. May 13, 2022).

In May, the Department moved to hold the Committee's application for summary relief in abeyance, noting that it was identical to the application this Court had already denied and explaining that it would be unproductive to repeat summary relief briefing without developing the factual record this Court already had ruled was inconclusive. *Appl. for Abeyance, Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep't of State*, No. 95 MD 2022 (Pa. Commw. Ct. May 31, 2022).

During a June 17 conference before President Judge Emerita Leavitt, counsel for the Committee asked the court to set both the Department's preliminary objections and the Committee's application for summary relief on an expedited briefing and argument schedule, **noting specifically that the subpoena would expire on November 30, 2022, when the Senate's session concluded.**

In July, the Court entered the expedited briefing and argument schedule that the Committee requested.

A panel of this Court heard arguments on September 12, 2022, on the pending preliminary objections and application for summary relief. The Court has not yet issued an order or decision.

LEGAL STANDARD

Pennsylvania Rule of Appellate Procedure 1972 permits a party to move to dismiss a petition for mootness during litigation. *See* Pa. R.A.P. 1972(4); *see also Harris v. Rendell*, 982 A.2d 1030, 1035 (Pa. Commw. Ct. 2009). As the

Pennsylvania Supreme Court has explained, “an actual case or controversy must be extant at all stages of review, not merely at the time the complaint is filed.” *Pub. Def.’s Office of Venango Cty. v. Venango Cty. Court of Common Pleas*, 893 A.2d 1275, 1279 (Pa. 2006) (quoting *Pap’s A.M. v. City of Erie*, 812 A.2d 591, 599–600 (2002)). After litigation is underway, “changes in the facts or in the law—which allegedly deprive the litigant of the necessary stake in the outcome” can render a case moot. *Id.* “[I]n general, a plaintiff’s claim becomes moot at the time the plaintiff no longer has ‘a legally cognizable interest in the outcome’ – that is, when the plaintiff does not have a personal stake in the claim.” *Ladley v. Pa. State Educ. Ass’n*, 269 A.3d 680, 688 (Pa. Commw. Ct. 2022) (quoting *U.S. Parole Comm’n v. Geraghty*, 445 U.S. 388, 396 (1980)).

ARGUMENT

The Court should dismiss the petition for review as moot because the subpoena at issue—and the Committee itself—expired on November 30, 2022, with the adjournment *sine die* of the 206th legislative session.

In Pennsylvania, the General Assembly is “a continuing body *during the term* for which its Representatives are elected.” Pa. Const. art. II, § 4 (emphasis added). It must “meet at 12 o’clock noon on the first Tuesday of January each year,” when a regular legislative session commences, and it may hold special sessions on other dates. *Id.* A General Assembly term includes two consecutive regular sessions, one

in an odd-numbered year and one in an even-numbered year. 101 Pa. Code § 7.21. The term concludes “at the expiration of November 30 of the next even-numbered year.” *Id.* At the end of the legislative session, the General Assembly adjourns *sine die*, which “is accomplished by a concurrent resolution.” 101 Pa. Code § 7.24. An adjournment *sine die* is a “final adjournment, an adjournment without fixing a definite and specific date for their future meeting or assembly.” *Creamer v. Twelve Common Pleas Judges*, 281 A.2d 57, 65 (Pa. 1971) (quoting *Black’s Law Dictionary* 1556 (4th ed. 1968)).

On January 5, 2021, the Pennsylvania Senate adopted by resolution its rules for the governing of the 205th and 206th Regular Sessions in 2021 and 2022, respectively. *See* S. Res. 3, 2021 Gen. Assemb., 205th-206th Reg. Session (Pa. 2021) (attached Ex. 1). These Rules established the Committee as a standing committee and provided for the appointment of its Chair, Vice Chair, and members by the President Pro Tempore “as soon as possible after the election of the President Pro Tempore in sessions convening in odd-numbered years.” Pa. S. Res. 3 at R.14(a)(1). The composition of the Committee, as with other standing committees, “shall reasonably reflect the caucus composition of the Senate membership.” *Id.*

The Rules explicitly confer on standing committees the power to “issue subpoenas, subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books . . . desired by the

committee” so that the committee can “carry out its duties.” *Id.* at R.14(d)(3).¹ The Rules also provide that “[s]tanding committees shall exist and function both during and between sessions. Such power shall not extend beyond November 30th of any even-numbered year.” *Id.* at R.14(c).

Consistent with these rules, the 206th session concluded on November 30, 2022, the Senate adjourned *sine die*, and the Committee that issued the subpoena no longer exists. *See* 101 Pa. Code § 7.21.

According to Mason’s Manual of Legislative Procedure, a “legislative session ceases to exist on the moment of *sine die* adjournment.” *See* Nat’l Conference of State Legislatures, Mason’s Manual of Legislative Procedure § 781(8) (2020 ed.).² “A motion to adjourn *sine die* has the effect of closing the session and terminating all unfinished business before the house, and all legislation pending upon adjournment *sine die* expires within the session.” *Id.* § 445. This termination extinguishes those powers “delegated by the legislature or either house to a

¹ While Rule 14(d)(3) confers the power to issue subpoenas upon the Committee, that does not mean that the Committee’s issuance of this particular subpoena was proper. *See generally* Answer to Appl. for Summ. Relief, *Pa. Senate Intergovernmental Operations Comm. v. Pa. Dep’t of State*, No. 95 MD 2022 (Pa. Commw. Ct. May 31, 2022). Regardless, the Committee’s general power to issue subpoenas expired with the Rules upon adjournment *sine die* on November 30, 2022.

² The Senate Rules state that “[t]he Rules of Parliamentary Practice comprised in Mason’s Manual of Legislative Procedure shall govern the Senate in all cases to which they are applicable.” *Id.* at R. 26.

committee by a simple resolution,” which “cease with the adjournment *sine die* of the legislature.” *Id.* § 799(4).

Here, the Senate delegated powers, including the power to issue (and enforce, if such power is properly invoked) subpoenas, to the Committee by simple resolution, so that the Committee could carry out certain duties on behalf of the Senate. Pa. S. Res. 3.³ As such, the Committee’s powers ceased along with the Committee itself as of November 30, 2022. *Id.* at R.14(c). In addition, the Rules conferring the power to issue subpoenas upon the Committee only applied to the 205th and 206th Regular Session in the 2021 to 2022 term and have thus expired along with the legislative session. *See* Pa. S. Res. 3. The Committee was not specially authorized to sit beyond the session. *See* Mason’s Manual of Legislative Procedure § 445(6); § 799(4).

The Pennsylvania Supreme Court previously held in *Brown v. Brancato*, 184 A. 89, 93 (Pa. 1936), that “[t]he legislative action of the General Assembly, in virtue of the session which convened, as required by article 2, § 4, ended with its

³ A simple resolution, otherwise known as a single house resolution, is “a written resolution introduced in either house which does not require or contemplate concurrence by the other house.” 101 Pa. Code § 9.42(a). Its common uses are “for adopting rules, fixing the last day for introduction of bills, discharging a standing committee or conference committee from consideration of a bill and establishing a select or special committee to study or investigate a particular subject or matter.” *Id.* § 9.42(b).

adjournment. After adjournment, the power of this committee of the House . . . was effectually ended.”

Both the subpoena at issue and any power the Committee may have had to enforce it, therefore, expired along with the expiration of the legislative session and termination of the Committee. *See, e.g., Annenberg v. Roberts*, 2 A.2d 612, 616 (Pa. 1938) (discussing the power of the Legislature to create an investigatory commission as ancillary to the power to create legislation and finding that “[w]hen the power to accomplish the primary object expires, so likewise does the implied power to utilize means for its accomplishment”); *cf. Robert Hawthorne, Inc. v. Dir. of Internal Revenue*, 40 F. Supp. 1098, 1132 (E.D. Pa. 1975) (finding that the authority of a grand jury subpoena runs out “when the examination of [the documents from the subpoena] ends, or when the grand jury expires without the investigation’s being scheduled for a new grand jury, whichever comes first”). Indeed, because the Committee no longer exists, there is no entity to which the Secretary could return the materials requested by the subpoena even if a court ordered the Acting Secretary to do so.

Furthermore, “[c]ommittees are instruments or agencies of the body appointing them, and their function is to carry out the will of that body.” *Id.* § 615(1). The General Assembly that appointed this Committee no longer has any authority. A new Legislature, including a new Senate with different members, will be sworn

in in January 2023. Senator Corman, who appointed Senator Dush as Chair and served as an ex-officio member of the Committee, has resigned his office and will no longer serve in the Senate or on the Committee. Should the Committee be reconstituted, a Chair, Vice Chair, and members would have to be appointed “after the election of the President Pro Tempore” in the 2023 session, with membership reflecting the composition of the Senate. *See* R. 14(a)(1); *see also* *Commonwealth v. Costello*, 1912 WL 3913, at *4, 6-7 (Pa. Quar. Sess. 1912) (finding that “each legislature is organized as a body distinct from the legislatures that have preceded it or that may follow it, and is not bound by the acts, purposes or intentions of its predecessors” and that since “the powers of that [legislative] branch are at an end, the powers of a committee appointed by it are also at an end. The limb cannot exist after the body has perished.”).

Changes in the factual circumstances of this case—namely the expiration of the legislative session and the Committee, the termination of the Committee’s powers and business, including the subpoena at issue, and the forthcoming changes to the Committee and the Senate—render this petition moot. The defunct Committee no longer has a “legally cognizable interest in this outcome.” *See Ladley*, 269 A.3d at 688.⁴

⁴ Should the Court find that the subpoena at issue is no longer valid and thus dismiss this petition as moot, Respondents will subsequently dismiss *Pennsylvania*

CONCLUSION

For the reasons set forth above, the Application for Relief Dismissing the Petition for Review as Moot should be granted.

Dated: December 5, 2022

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v. Dash, No. 322 MD 2021 (Pa. Commw. Ct. Sept. 23, 2021), which was filed to protect against enforcement of the subpoena at issue.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: December 5, 2022

/s/ Elizabeth P. Lester-Abdalla

Elizabeth P. Lester-Abdalla

EXHIBIT 1

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 3

Session of
2021

INTRODUCED BY K. WARD, JANUARY 5, 2021

INTRODUCED AND ADOPTED, JANUARY 5, 2021

A RESOLUTION

1 Adopting the Rules of the Senate for the 205th and 206th Regular
2 Session.

3 RESOLVED, That the following be adopted as the Rules of the
4 Senate for the governing of the 205th and 206th Regular Session.

5 2021-2022

6 RULES OF THE SENATE OF PENNSYLVANIA

7 Rule 1. Sessions.

8 (a) Regular and special.--The General Assembly shall be a
9 continuing body during the term for which its Representatives
10 are elected. It shall meet at twelve o'clock noon on the first
11 Tuesday of January each year. Special sessions shall be called
12 by the Governor on petition of a majority of the Members elected
13 to each House or may be called by the Governor whenever in his
14 opinion the public interest requires. (Const. Art. II, Sec. 4)

15 (b) Weekly.--The Senate shall convene its weekly sessions on
16 Monday, unless the Senate shall otherwise direct.

17 Rule 2. President.

18 The Lieutenant Governor shall be President of the Senate.

1 (Const. Art. IV, Sec. 4)

2 Rule 3. Duties of the President.

3 The President shall:

4 (1) Take the chair on every legislative day at the hour
5 to which the Senate stands recessed, immediately call the
6 Senators to order, and proceed with the Order of Business of
7 the Senate.

8 (2) While in session have general direction of the
9 Senate Chamber. It shall be the President's duty to preserve
10 order and decorum, including ensuring all members and staff
11 with privilege of the floor are properly attired pursuant to
12 Senate Rule 10, and, in case of disturbance or disorderly
13 conduct in the Chamber or galleries, may cause the same to be
14 cleared. When in the President's opinion there arises a case
15 of extreme disturbance or emergency the President shall, with
16 the concurrence of the President Pro Tempore, the Majority
17 Leader and the Minority Leader, recess the Senate. Such
18 recess shall not extend beyond the limitation imposed by
19 Article II, section 14 of the Constitution.

20 (3) During debate, prevent personal references or
21 questions as to motive, and confine Senators, in debate, to
22 the question.

23 (4) Decide, when two or more Senators arise, who shall
24 be first to speak.

25 (5) In the presence of the Senate, within one
26 legislative day after receipt or adoption, sign all bills and
27 joint resolutions which have passed both Houses after their
28 titles have been read.

29 (6) Sign resolutions, orders, writs, warrants and
30 subpoenas issued by order of the Senate. The signature shall

1 be attested by the Secretary-Parliamentarian of the Senate,
2 or, if absent, by the Chief Clerk of the Senate; and the fact
3 of signing shall be entered in the Journal on the next
4 available session day.

5 (7) Decide all points of order, subject to appeal,
6 giving, however, any Member called to order the right to
7 extenuate or justify. Debate shall not be permitted unless
8 there be an appeal from a decision of the President in which
9 event the President shall submit the question to the whole
10 Senate for decision. The President shall submit points of
11 order involving the constitutionality of any matter to the
12 Senate for decision. Questions of order submitted to the
13 Senate may be debated.

14 Rule 4. President Pro Tempore.

15 (a) Election.--The Senate shall, at the beginning and close
16 of each regular session and at such other times as may be
17 necessary, elect one of its Members President Pro Tempore, who
18 shall perform the duties of the Lieutenant Governor in any case
19 of absence or disability of that officer, and whenever the
20 office of Lieutenant Governor shall be vacant. (Const. Art. II,
21 Sec. 9)

22 (b) Voting.--The vote of a majority of the Members voting
23 shall be required to elect a President Pro Tempore. Except at
24 the beginning and close of each regular session, the Senate
25 shall only elect a President Pro Tempore when the office has
26 become vacant and the vote of the majority of the Members
27 elected shall be required to vacate the office of a seated
28 President Pro Tempore.

29 Rule 5. Duties of President Pro Tempore.

30 (a) Mandatory.--The President Pro Tempore shall:

1 (1) Appoint the Chair, Vice Chair and members of the
2 Standing Committees of the Senate as soon after the election
3 of the President Pro Tempore as possible. Upon the
4 resignation of the Chair of a standing committee, the
5 President Pro Tempore may designate an acting Chair.

6 (2) Appoint members to special committees whenever
7 authorized.

8 (3) Fill all vacancies occurring in standing and special
9 committees.

10 (4) Refer to the appropriate standing committee every
11 bill and joint resolution which may be introduced in the
12 Senate or received from the House of Representatives.

13 (5) Appoint and have under the President Pro Tempore's
14 direction such Senate employees as are authorized by law.

15 (6) Vote last on all questions when occupying the Chair.

16 (b) Discretionary.--The President Pro Tempore may name any
17 Senator to preside in the absence of the President, or if both
18 the President and President Pro Tempore are absent the Majority
19 Leader, or the Majority Leader's designee, shall preside. The
20 Majority Leader, during such time, shall be vested with all
21 powers of the President. This authority shall not extend beyond
22 a day's recess.

23 Rule 6. Duties of the Secretary-Parliamentarian.

24 (a) Election.--At the beginning of each regular session
25 convening in an odd-numbered year and at other times as may be
26 necessary, the Senate shall elect a Secretary-Parliamentarian of
27 the Senate.

28 (b) General duties.--The Secretary-Parliamentarian of the
29 Senate shall:

30 (1) Assist the presiding officer in conducting the

1 business of the session.

2 (2) Act in the capacity of Parliamentarian.

3 (c) Specific duties.--The Secretary-Parliamentarian of the
4 Senate shall, subject to the direction of the President Pro
5 Tempore:

6 (1) Direct the following functions:

7 (i) Amending bills in the Senate.

8 (ii) Preparing and publishing the Senate Calendar.

9 (iii) Publication of the Senate History.

10 (iv) Numbering Senate bills as they are introduced
11 and causing them to be distributed to the chair of the
12 committee to which they are referred and receiving a
13 receipt for the same.

14 (v) Printing of bills.

15 (vi) Maintain and update, as needed, the Legislative
16 Data Processing Senate Virtual Session Desk application
17 for use by members and staff.

18 (2) Keep a record of the Senate action on a bill on a
19 special record sheet attached to the bill after it has been
20 reported from committee.

21 (3) Keep a record of all leaves granted by the Senate by
22 compiling the leave requests submitted by a member and
23 transmitted to the Secretary-Parliamentarian by the
24 respective Floor Leaders. These records shall be retained
25 only for the duration of the two-year legislative session.
26 Further, these records shall be available for public
27 inspection upon request.

28 (4) Transmit all bills, joint resolutions, concurrent
29 resolutions and other communications to the House of
30 Representatives within one legislative day of final passage

1 or adoption, and each shall be accompanied by a message
2 stating the title to the measure being transmitted and
3 requesting concurrence of the House, as required.

4 (5) Attest all writs, warrants and subpoenas issued by
5 order of the Senate; certify as to the passage of Senate
6 Bills and the approval of executive nominations.

7 (6) Supervise the Senate Library, assist Senators by
8 making reference material available to them and perform any
9 duties assigned to the Senate Librarian by any statute.

10 (7) Supervise the Chief Sergeant-at-Arms, the Senate
11 Bill Room, the Senate Print Shop, the Official Reporter's
12 Office and the Senate Page Service.

13 (8) Post each roll call vote taken in the Senate on the
14 Internet website maintained by the Senate immediately, but in
15 no case later than 24 hours after the vote. Each roll call
16 vote shall be posted in a manner which clearly identifies the
17 bill, resolution or other subject of the vote.

18 (9) Post the Legislative Journal of the Senate on the
19 Internet website maintained by the Senate upon approval of
20 the Journal or within 90 calendar days of each session day,
21 whichever is earlier. The journal shall be the official
22 record of the Senate upon Senate approval or posting of the
23 Journal on the Internet website by the Secretary-
24 Parliamentarian.

25 (10) Provide for the publication and dissemination of
26 educational or informational literature pertaining to the
27 Senate, the Commonwealth of Pennsylvania or the Government of
28 the United States.

29 Rule 7. Duties of the Chief Clerk of the Senate.

30 (a) Election.--At the beginning of each regular session

1 convening in an odd-numbered year and, whenever necessary, the
2 Senate shall elect a Chief Clerk of the Senate.

3 (b) Duties.--The Chief Clerk shall be the chief fiscal
4 officer of the Senate and shall perform those powers and duties
5 prescribed by law, the Rules of the Senate and at the direction
6 of the President Pro Tempore. In the absence of the Secretary-
7 Parliamentarian, the Chief Clerk shall, subject to the direction
8 of the President Pro Tempore, attest all writs, warrants and
9 subpoenas issued by order of the Senate and shall certify as to
10 the passage of Senate Bills and the approval of executive
11 nominations.

12 Rule 8. Duties of the Chief Sergeant-at-Arms.

13 There shall be a Chief Sergeant-at-Arms who shall:

14 (1) Be constantly in attendance during the sessions of
15 the Senate except when absent in discharging other duties.

16 (2) Appoint, have charge of and direct the work of the
17 assistant sergeants-at-arms.

18 (3) Serve all subpoenas and warrants issued by the
19 Senate or any duly authorized officer or committee.

20 (4) Maintain order, at the direction of the presiding
21 officer, in the Senate Chamber and adjoining rooms.

22 (5) See that no person, except those authorized to do
23 so, disturbs or interferes with the desk, or its contents, of
24 any Senator or officer.

25 (6) Exclude from the Floor all persons not entitled to
26 the privilege of the same.

27 (7) Have charge of all entrances to the Chamber during
28 the sessions of the Senate and shall see that the doors are
29 properly attended.

30 (8) Announce, upon recognition by the presiding officer,

1 all important communications and committees.

2 (9) Escort the Senate to all Joint meetings with the
3 mace.

4 (10) Escort the Senate to attend funeral services of
5 members, former members of the Senate or other dignitaries
6 with the mace.

7 Rule 9. Order of Business.

8 (a) General rule.--The Order of Business to be observed in
9 taking up business shall be as follows:

- | | | |
|----|---------|----------------------------------|
| 10 | First | Call to Order. |
| 11 | Second | Prayer by the Chaplain and |
| 12 | | Pledge of Allegiance. |
| 13 | Third | Reading of Communications. |
| 14 | Fourth | Receiving reports of committees. |
| 15 | Fifth | Asking of leaves of absence. No |
| 16 | | Senator shall absent himself |
| 17 | | without leave of the Senate, |
| 18 | | first obtained, unless prevented |
| 19 | | from attendance by sickness, or |
| 20 | | other sufficient cause. |
| 21 | Sixth | Approval of Journals of |
| 22 | | preceding session days. |
| 23 | Seventh | Offering of original |
| 24 | | resolutions. |
| 25 | Eighth | Introduction of Guests. |
| 26 | Ninth | Consideration of the Calendar. |
| 27 | | Any bill or resolution on the |
| 28 | | Calendar not finally acted upon |
| 29 | | within 10 legislative days shall |
| 30 | | be removed from the Calendar and |

1 laid on the table, unless the
2 Senate shall otherwise direct.
3 Tenth Consideration of Executive
4 Nominations.
5 Eleventh Unfinished Business. Reports of
6 Committees.
7
8 Twelfth First consideration of bills
9 reported from committee, which,
10 at this time, shall not be
11 subject to amendment, debate or
12 a vote thereon.
13 Thirteenth Announcements by the Secretary-
14 Parliamentarian.
15 Fourteenth Introduction of Petitions and
16 Remonstrances.
17 Fifteenth Recess.

18 (b) Special order of business.--Any subject may, by a vote
19 of a majority of the Members present, be made a special order;
20 and when the time so fixed for its consideration arrives, the
21 presiding officer shall lay it before the Senate.

22 Rule 10. Order and decorum.

23 (a) Recognition.--Any Senator who desires to speak or
24 deliver any matter to the Senate shall rise and respectfully
25 address the presiding officer as "Mr. President" or "Madam
26 President," and on being recognized, may address the Senate at a
27 microphone located on the Floor of the Chamber.

28 (b) Avoiding personal references.--Any Senator addressing
29 the Senate shall confine remarks to the question under debate,
30 avoiding personal references or questions as to motive.

1 (c) Speaking out of order.--If any Senator transgresses the
2 Rules of the Senate, in speaking or otherwise, the presiding
3 officer may, or any Senator may through the presiding officer,
4 call that Senator to order.

5 (d) Speaking more than twice.--No Senator shall speak more
6 than twice on one question without leave of the Senate.

7 (e) Decorum.--When a Senator is speaking, no other person
8 shall pass between the Senator and the presiding officer.

9 (f) Order and privilege.--No Senator speaking shall be
10 interrupted except by a call to order, a question of privilege,
11 a question of order or a call for the previous question, without
12 the consent of the Senator speaking, and no Senator shall speak
13 on a question after it is put to a vote.

14 (g) Questions of order.--The presiding officer shall decide
15 all questions of order, subject to appeal by any member. No
16 debate shall be allowed on questions of order, unless there is
17 an appeal. A second point of order on the same general subject,
18 but not the same point, is not in order while an appeal is
19 pending, but when the first appeal is decided, laid on the table
20 or otherwise disposed of, the second point of order is in order
21 and is subject to appeal. While an appeal is pending, no other
22 business is in order. It is within the discretion of the
23 presiding officer as to whether to vacate the chair on an
24 appeal.

25 (h) Question when interrupted.--A question regularly before
26 the Senate can be interrupted only by a call for the previous
27 question, for amendment, postponement, to lay on the table,
28 commitment, recess or adjournment sine die.

29 (i) Use of tobacco products.--No tobacco products, including
30 cigarettes, cigars, pipes and chewing tobacco, shall be used in

1 the Senate Chamber or in Senate Committee Rooms.

2 (j) Cell phones.--In the Senate Chamber, cell phones and
3 similar portable communication devices shall be set to silent
4 mode and use of voice or video recording and broadcasting
5 capabilities is prohibited.

6 (k) Proper attire.--Members and staff with privilege of the
7 floor during Senate sessions shall not dress in a manner
8 offensive to the decorum of the Senate but shall be dressed in
9 professional attire, including a coat, tie and trousers or
10 slacks for men, and appropriate dignified dress for women.

11 Rule 11. Motions.

12 (a) Putting a motion.--When a motion is made, it shall,
13 before debate, be stated by the presiding officer. Every motion
14 made to the Senate and entertained by the presiding officer
15 shall be entered in the Journal with the name of the Senator
16 making it. A motion may be withdrawn by the Senator making it
17 before amendment, postponement, an order to lay on the table or
18 decision.

19 (b) Precedence of motions.--Motions shall take precedence in
20 the following order:

- 21 (1) Adjourn sine die.
- 22 (2) Recess.
- 23 (3) Previous question.
- 24 (4) Recess temporarily within the same session day.
- 25 (5) Questions of privilege of the Senate.
- 26 (6) Orders of the day.
- 27 (7) Lay on the table.
- 28 (8) Limit, close or extend limit on debate.
- 29 (9) Postpone.
- 30 (10) Commit or recommit.

1 (11) Amend.

2 (12) Main motion.

3 (c) Non-debatable motions.--Non-debatable motions are:

4 (1) Adjourn sine die.

5 (2) Recess.

6 (3) Recess temporarily within the same session day.

7 (4) Previous question.

8 (5) Lay on the table.

9 (6) Orders of the day.

10 (7) Limit, close or extend limit on debate.

11 (d) Motions which permit limited debate.--

12 (1) On the motion to postpone, the question of
13 postponement is open to debate, but the main question is not.

14 (2) The motion to commit or recommit to committee is
15 debatable as to the propriety of the reference, but the main
16 question is not open to debate.

17 (3) The motion to amend is debatable on the amendments
18 only and does not open the main question to debate.

19 (e) Seconding motions.--All motions, except for the previous
20 question, which shall be seconded by not less than four
21 Senators, may be made without a second.

22 (f) Recessing and convening.--

23 (1) A motion to recess shall always be in order, except,
24 when on the call for the previous question, the main question
25 shall have been ordered to be now put, or when a Member has
26 the Floor, and shall be decided without debate.

27 (2) On a motion to recess, adopted and not having a
28 reconvening time, the Senate will meet the following day at
29 10:00 a.m.

30 (3) The Senate shall not convene earlier than 8:00 a.m.

1 unless the Senate adopts a motion that sets forth the need to
2 convene earlier than 8:00 a.m.

3 (4) The Senate shall not recess later than 11:00 p.m.
4 each session day unless the Senate adopts a motion that sets
5 forth the need to recess later than 11:00 p.m.

6 (g) Motion for previous question.--Pending the consideration
7 of any question before the Senate, a Senator may call for the
8 previous question, and if seconded by four Senators, the
9 President shall submit the question: "Shall the main question
10 now be put?" If a majority vote is in favor of it, the main
11 question shall be ordered, the effect of which shall cut off all
12 further amendments and debate, and bring the Senate to a direct
13 vote first upon the pending amendments and motions, if there be
14 any, then upon the main proposition. The previous question may
15 be ordered on any pending amendment or motion before the Senate.

16 (h) Motion to lay on table.--The motion to lay on the table
17 is not debatable, and the effect of the adoption of this motion
18 is to place on the table the pending question and everything
19 adhering to it. Questions laid on the table remain there for the
20 entire session unless taken up before the session closes.

21 (i) Motion to take from table.--A motion to take from the
22 table, a bill or other subject, is in order under the same order
23 of business in which the matter was tabled. It shall be decided
24 without debate or amendment.

25 (j) Reconsideration.--

26 (1) When a question has once been made and carried in
27 the affirmative or negative, it shall be in order to move the
28 reconsideration thereof. When the Senate has been equally
29 divided on a question, or a bill shall have failed to pass by
30 reason of not having received the number of votes required by

1 the Constitution, it shall be in order to move the
2 reconsideration thereof.

3 (2) Provided, however, that no motion for the
4 reconsideration of any vote shall be in order after a bill,
5 resolution, report, amendment or motion upon which the vote
6 was taken shall have gone out of the possession of the
7 Senate.

8 (3) Provided, further, that no motion for
9 reconsideration shall be in order unless made on the same day
10 on which the vote was taken, or within the next five days of
11 voting session of the Senate thereafter.

12 (4) A motion to reconsider the same question a third
13 time is not in order.

14 (5) When a bill, resolution, report, amendment, order,
15 or communication, upon which a vote has been taken, shall
16 have gone out of the possession of the Senate and been sent
17 to the House of Representatives or to the Governor, the
18 motion to reconsider shall not be in order until a resolution
19 has been passed to request the House or Governor to return
20 the same and the same shall have been returned to the
21 possession of the Senate.

22 Rule 12. Bills.

23 (a) Passage of bills.--

24 (1) No law shall be passed except by bill, and no bill
25 shall be so altered or amended, on its passage through either
26 House, as to change its original purpose. (Const. Art. III,
27 Sec. 1)

28 (2) No alteration or amendment shall be considered which
29 is not appropriate and closely allied to the original purpose
30 of the bill. If a bill has been amended after being reported

1 by the Appropriations Committee and if the amendment may
2 require the expenditure of Commonwealth funds or funds of a
3 political subdivision or cause a loss of revenue to the
4 Commonwealth or a political subdivision, the Appropriations
5 Committee shall make a fiscal note reflecting the impact of
6 the amendment available to the Senators.

7 (b) Reference and printing.--No bill shall be considered
8 unless referred to a committee, printed for the use of the
9 members and returned therefrom. (Const. Art. III, Sec. 2)

10 (c) Form of bills.--No bill shall be passed containing more
11 than one subject, which shall be clearly expressed in its title,
12 except a general appropriation bill or a bill codifying or
13 compiling the law or a part thereof. (Const. Art. III, Sec. 3)

14 (d) Consideration of bills.--Every bill shall be considered
15 on three different days in each House. All amendments made
16 thereto shall be available pursuant to Rule 13(a)(2) for the use
17 of the members before the final vote is taken on the bill. Upon
18 written request addressed to the presiding officer of the Senate
19 by at least 25% of the Members elected to the Senate, any bill
20 shall be read at length in that House. No bill shall become a
21 law, unless on its final passage the vote is taken by yeas and
22 nays, the names of the persons voting for and against it are
23 entered on the Journal, and a majority of the Members elected to
24 each House is recorded thereon as voting in its favor. (Const.
25 Art. III, Sec. 4)

26 (e) Local and special bills.--No local or special bill shall
27 be passed unless notice of the intention to apply therefor shall
28 have been published in the locality where the matter or the
29 thing to be effected may be situated, which notice shall be at
30 least 30 days prior to the introduction into the General

1 Assembly of such bill and in the manner to be provided by law;
2 the evidence of such notice having been published shall be
3 exhibited in the General Assembly before such act shall be
4 passed. (Const. Art. III, Sec. 7)

5 (f) Revenue bills.--All bills for raising revenue shall
6 originate in the House of Representatives, but the Senate may
7 propose amendments as in other bills. (Const. Art. III, Sec. 10)

8 (g) Appropriation bills.--

9 (1) The general appropriation bill shall embrace nothing
10 but appropriations for the executive, legislative and
11 judicial departments of the Commonwealth, for the public debt
12 and for public schools. All other appropriations shall be
13 made by separate bills, each embracing but one subject.

14 (Const. Art. III, Sec. 11)

15 (2) No appropriation shall be made for charitable,
16 educational or benevolent purposes to any person or community
17 nor to any denomination and sectarian institution,
18 corporation or association: Provided, That appropriations may
19 be made for pensions or gratuities for military service and
20 to blind persons 21 years of age and upwards and for
21 assistance to mothers having dependent children and to aged
22 persons without adequate means of support and in the form of
23 scholarship grants or loans for higher educational purposes
24 to residents of the Commonwealth enrolled in institutions of
25 higher learning, except that no scholarship, grants or loans
26 for higher educational purposes shall be given to persons
27 enrolled in a theological seminary or school of theology.

28 (Const. Art. III, Sec. 29)

29 (h) Charitable and educational appropriations.--No
30 appropriation shall be made to any charitable or educational

1 institution not under the absolute control of the Commonwealth,
2 other than normal schools established by law for the
3 professional training of teachers for the public schools of the
4 State, except by a vote of two-thirds of all the members elected
5 to each House. (Const. Art. III, Sec. 30)

6 (i) Land transfer legislation.--

7 (1) No bills granting or conveying Commonwealth land or
8 taking title thereto shall be reported by any committee of
9 the Senate unless there has been filed with the Secretary-
10 Parliamentarian and the Chair of the Reporting Committee, a
11 memorandum from the Department of General Services indicating
12 the use to which the property is presently employed, the full
13 consideration for the transfer, if any, a departmental
14 appraisal of the property, including its valuation and a list
15 of recorded liens and encumbrances, if any, the use to which
16 the property will be employed upon its transfer, the date by
17 which the land is needed for its new use and the senatorial
18 district or districts in which the land is located. The
19 memorandum shall be filed within 60 days after a request is
20 made for same and contain a statement by a responsible person
21 in the Department of General Services indicating whether or
22 not the departments involved favor the transfer which is the
23 subject of the bill under consideration. The sponsor of the
24 bill or the Chair of the Reporting Committee may request the
25 memorandum from the Department of General Services.

26 (2) No amendment granting or conveying Commonwealth land
27 or taking title thereto shall be considered by the Senate
28 unless there has been filed with the Secretary-
29 Parliamentarian and the Chair of the committee reporting the
30 bill a memorandum from the Department of General Services

1 indicating the use to which the property is presently
2 employed, the full consideration for the transfer, if any, a
3 departmental appraisal of the property, including its
4 valuation and a list of recorded liens and encumbrances, if
5 any, the use to which the property will be employed upon its
6 transfer, the date by which the land is needed for its new
7 use, the senatorial district or districts in which the land
8 is located and a statement by a responsible person in the
9 Department of General Services indicating whether or not the
10 departments involved favor the transfer which is the subject
11 of the amendment under consideration. The memorandum shall be
12 filed within 60 days after a request is made. The sponsor of
13 the amendment or the Chair of the Reporting Committee may
14 request the memorandum from the Department of General
15 Services.

16 (3) If a memorandum is not filed within 60 days after a
17 request is made to the Department of General Services, the
18 Senate or any committees of the Senate may consider bills or
19 amendments granting or conveying Commonwealth land or taking
20 title thereto, notwithstanding paragraphs (1) and (2).

21 (j) Consideration during second regular session.--All bills,
22 joint resolutions, resolutions, concurrent resolutions or other
23 matters pending before the Senate upon the recess of a first
24 regular session convening in an odd-numbered year shall maintain
25 their status and be pending before a second regular session
26 convening in an even-numbered year but not beyond adjournment
27 sine die or November 30th of such year, whichever first occurs.

28 (k) Introduction.--All bills shall be introduced in
29 quadruplicate or filed electronically with the Secretary-
30 Parliamentarian's Office through a process determined by the

1 Secretary-Parliamentarian. A sponsor may be added after a bill
2 has been printed but the addition of sponsors shall not require
3 that the bill be reprinted. All bills shall be examined by the
4 Legislative Reference Bureau for correctness as to form and
5 shall be imprinted with the stamp of the Bureau before being
6 filed with the Secretary-Parliamentarian for introduction.

7 (l) Character of bills to be introduced.--No Member shall
8 introduce, nor shall any committee report any bill for the
9 action of the Senate, proposing to legislate upon any of the
10 subjects prohibited by Article III, section 32 of the
11 Constitution.

12 (m) Printing of amended bills.--

13 (1) All bills reported or re-reported from committee, if
14 amended by the committee, and all bills on the Calendar, if
15 amended by the Senate, shall be reprinted and a new printer's
16 number assigned thereto before any action is taken thereon.

17 (2) No bill or joint resolution re-reported from
18 committee as amended shall be voted upon on final passage
19 until at least six hours have elapsed from the time of the
20 committee report.

21 (n) First consideration.--Bills on first consideration shall
22 not be subject to amendment, debate or a vote thereon.

23 (o) Second consideration.--Bills on second consideration may
24 be subject to amendment, debate and a vote thereon.

25 (p) Third consideration and final passage.--

26 (1) The following apply:

27 (i) Bills on third consideration may be amended and
28 are subject to debate. Bills on final passage may not be
29 amended but are open to debate. The vote on final passage
30 shall be taken by a roll call. The names of the Senators

1 voting for and against shall be recorded, entered in the
2 Journal and posted on the Internet website maintained by
3 the Senate. No bill shall be declared passed unless a
4 majority of all Senators elected to the Senate shall be
5 recorded as voting for the same.

6 (ii) No bill which may require an expenditure of
7 Commonwealth funds or funds of any political subdivision
8 or cause a loss of revenue to the Commonwealth or any
9 political subdivision shall be given third consideration
10 on the Calendar until it has been referred to the
11 Appropriations Committee and a fiscal note attached
12 thereto.

13 (iii) In obtaining the information required by these
14 Rules, the Appropriations Committee may utilize the
15 services of the Budget Office and any other State agency
16 as may be necessary.

17 (iv) No bills appropriating money for charitable or
18 benevolent purposes shall be considered finally until
19 after the general appropriation bill shall have been
20 reported from committee.

21 (2) The following apply:

22 (i) It shall not be in order, by suspension of this
23 Rule or otherwise, to consider a bill on final passage
24 unless it is printed, together with amendments, if any,
25 and made available to the Senators.

26 (ii) No bill or joint resolution amended on third
27 consideration shall be voted on final passage until at
28 least six hours have elapsed from the time of adoption of
29 the amendment.

30 (q) Prefiling of bills, joint resolutions and resolutions.--

1 Any Senator or Senator-elect may file, via paper or electronic
2 format, bills, joint resolutions and resolutions with the
3 Secretary-Parliamentarian of the Senate commencing on December
4 15 of each even-numbered year. The Secretary-Parliamentarian of
5 the Senate shall number the bills, joint resolutions and
6 resolutions and shall have them available for distribution. Upon
7 the naming of the committees of the Senate at the convening of a
8 First Regular Session, the President Pro Tempore shall refer all
9 prefiled measures to the proper committee within 14 calendar
10 days.

11 (r) Normal filing of bills, joint resolutions and
12 resolutions.--Senators may introduce bills, joint resolutions
13 and resolutions by filing the same, via paper or electronic
14 format, with the Secretary-Parliamentarian of the Senate. The
15 Secretary-Parliamentarian of the Senate shall number the bills,
16 joint resolutions and resolutions and shall notify the President
17 Pro Tempore of the fact of such filing.

18 (s) Referral to committee by President Pro Tempore.--Every
19 bill, joint resolution and resolution introduced by a Senator or
20 received from the House of Representatives shall be referred by
21 the President Pro Tempore to the appropriate committee within 14
22 calendar days. Upon referral, the Secretary-Parliamentarian of
23 the Senate shall deliver the bills, joint resolutions and
24 resolutions, via paper or electronic format, to the committees
25 to which they have been referred. The Secretary-Parliamentarian
26 of the Senate shall have the bills, joint resolutions and
27 resolutions available for distribution.

28 Rule 13. Amendments.

29 (a) When in order.--

30 (1) Amendments shall be in order when a bill is reported

1 or re-reported from committee, on second consideration and on
2 third consideration. No amendments shall be received by the
3 presiding officer or considered by the Senate which destroys
4 the general sense of the original bill or is not appropriate
5 and closely allied to the original purpose of the bill. Any
6 Member, upon request, must be furnished a copy of a proposed
7 amendment, this includes being available on the Senate
8 Virtual Session Desk application or its successor
9 applications, and be given a reasonable opportunity to
10 consider same before being required to vote thereon.

11 (2) Amendments offered on the Floor shall be read by the
12 Reading Clerk and stated by the presiding officer to the
13 Senate before being acted upon. Amendments shall be presented
14 with at least four typewritten copies obtained electronically
15 through the Legislative Reference Bureau, which shall have
16 the Sponsor identified. No amendment may be considered by the
17 Senate until the Secretary-Parliamentarian of the Senate has
18 posted the amendment on the Internet website maintained by
19 the Senate.

20 (3) Amendments to bills or other main motions or
21 questions before the Senate may be tabled. When an amendment
22 proposed to any bill or other main motion or question before
23 the Senate is laid on the table, it shall not carry with it
24 or prejudice the bill, main motion or question. A motion to
25 take an amendment from the table shall only be in order if
26 the bill or other main motion or question remains before the
27 Senate for decision. The motion to take an amendment from the
28 table is not debatable and shall have the same precedence as
29 the motion to amend.

30 (b) Amendments reconsidering; revert to prior print.--

1 Amendments adopted or defeated may not be again considered
2 without reconsidering the vote by which the amendments were
3 adopted or defeated, unless a majority vote of the Senators
4 present shall decide to revert to a prior printer's number. If
5 such a motion is made to a bill on third consideration and
6 carried it shall not be in order to vote on the final passage of
7 the bill until a copy of the reverted printer's number is made
8 available to the Senators, this includes being available on the
9 Senate Virtual Session Desk application or its successor
10 applications.

11 (c) Concurrence in House amendments.--

12 (1) The following apply:

13 (i) No amendments to bills by the House shall be
14 concurred in by the Senate, except by the vote of a
15 majority of the Members elected to the Senate taken by
16 yeas and nays. (Const. Art. III, Sec. 5)

17 (ii) If a bill on concurrence contains an amendment
18 which may require the expenditure of Commonwealth funds
19 or funds of a political subdivision or cause a loss of
20 revenue to the Commonwealth or a political subdivision,
21 the bill may not be voted finally until a fiscal note
22 reflecting the impact of the amendment is made available
23 to the Senators.

24 (2) The following apply:

25 (i) Any bill or resolution containing House
26 amendments which is returned to the Senate shall be
27 referred to the Committee on Rules and Executive
28 Nominations immediately upon the reading of the
29 communication by the Reading Clerk. The consideration of
30 any bill or resolution containing House amendments may

1 include the amendment of House amendments only by the
2 Committee on Rules and Executive Nominations. The vote on
3 concurring in amendments by the House to bills or
4 resolutions amended by the House shall not be taken until
5 the bills or resolutions have been favorably reported, as
6 committed or as amended, by the Committee on Rules and
7 Executive Nominations and have been placed on the desks
8 of the Senators, this includes being available on the
9 Senate Virtual Session Desk application or its successor
10 applications, and particularly referred to on their
11 calendars.

12 (ii) Unless the Majority Leader and the Minority
13 Leader shall agree otherwise, the offering of an
14 amendment to House amendments in the Committee on Rules
15 and Executive Nominations shall not be in order until at
16 least one hour after the filing of a copy of the
17 amendment as prepared by the Legislative Reference Bureau
18 with the office of the Secretary-Parliamentarian. Upon
19 the filing of such an amendment, the Secretary-
20 Parliamentarian shall immediately time stamp the
21 amendment and forward a time-stamped copy of the
22 amendment to the offices of the Majority Leader and the
23 Minority Leader. Except as provided in this subsection,
24 it shall not be in order to suspend or otherwise waive
25 the requirements of this subsection.

26 Rule 14. Committees.

27 (a) Standing committees.--

28 (1) There shall be the following permanent standing
29 committees, the Chair, the Vice Chair and members thereof to
30 be appointed by the President Pro Tempore as soon as possible

1 after the election of the President Pro Tempore in sessions
2 convening in odd-numbered years or such other times as may be
3 necessary. The composition of each standing committee shall
4 reasonably reflect the caucus composition of the Senate
5 membership.

6 Aging and Youth - 10 members

7 Agriculture and Rural Affairs - 10 members

8 Appropriations - 21 members

9 Banking and Insurance - 13 members

10 Communications and Technology - 10 members

11 Community, Economic and Recreational Development - 13

12 members

13 Consumer Protection and Professional Licensure - 13

14 members

15 Education - 10 members

16 Environmental Resources and Energy -- 10 members

17 Finance -- 10 members

18 Game and Fisheries -- 10 members

19 Health and Human Services -- 10 members

20 Intergovernmental Operations -- 10 members

21 Judiciary - 13 members

22 Labor and Industry -- 10 members

23 Law and Justice -- 10 members

24 Local Government -- 10 members

25 Rules and Executive Nominations - 16 members

26 State Government -- 10 members

27 Transportation - 13 members

28 Urban Affairs and Housing -- 10 members

29 Veterans' Affairs and Emergency Preparedness -- 10

30 members

1 (2) Subcommittees. Each standing committee or the chair
2 thereof may appoint, from time to time, a subcommittee to
3 study or investigate a matter falling within the jurisdiction
4 of the standing committee or to consider a bill or resolution
5 referred to it. A subcommittee may hold public hearings only
6 with the prior permission of its standing committee.

7 Subcommittees shall be regulated by the Senate Rules of
8 Procedure and shall be in existence for only that time
9 necessary to complete their assignments and report to their
10 standing committees.

11 (b) Members-ex-officio.--

12 (1) The President Pro Tempore shall be an ex-officio
13 voting member of all standing committees and any
14 subcommittees that may be established and shall not be
15 included in the number of committee members herein provided.
16 However, the President Pro Tempore shall not be an ex-officio
17 Member of the Committee on Ethics and Official Conduct.

18 (2) The Majority Leader and the Minority Leader shall
19 each be an ex-officio member of the Committee on
20 Appropriations and shall not be included in the number of
21 members of the committee provided herein.

22 (3) The Majority Leader shall serve as Chair of the
23 Committee on Rules and Executive Nominations and the Minority
24 Leader shall serve as the Minority Chair.

25 (c) Committees' function between sessions.--Standing
26 committees shall exist and function both during and between
27 sessions. Such power shall not extend beyond November 30th of
28 any even-numbered year.

29 (d) Powers and responsibilities.--Standing committees are
30 authorized:

1 (1) To maintain a continuous review of the work of the
2 Commonwealth agencies concerned with their subject areas and
3 the performance of the functions of government within each
4 such subject area, and for this purpose to request reports
5 from time to time, in such form as the standing committee
6 shall designate, concerning the operation of any Commonwealth
7 agency and presenting any proposal or recommendation such
8 agency may have with regard to existing laws or proposed
9 legislation in its subject area. The standing committee is
10 authorized to require public officials and employees and
11 private individuals to appear before the standing committee
12 for the purpose of submitting information to it.

13 (2) In order to carry out its duties, each standing
14 committee is empowered with the right and authority to
15 inspect and investigate the books, records, papers,
16 documents, data, operation and physical plant of any public
17 agency in this Commonwealth.

18 (3) In order to carry out its duties, each standing
19 committee or special committee appointed under Rule 5(a)(2)
20 may issue subpoenas, subpoenas duces tecum and other
21 necessary process to compel the attendance of witnesses and
22 the production of any books, letters or other documentary
23 evidence desired by the committee. The chair may administer
24 oaths and affirmations in the manner prescribed by law to
25 witnesses who shall appear before the committee to testify.

26 (e) Notice of meetings.--

27 (1) The following apply:

28 (i) The Chair of a committee or, in the absence of
29 the Chair, the Vice Chair, with the approval of the
30 Chair, shall provide each member of the committee with

1 written notice of committee meetings, which shall include
2 the date, time and location of the meeting and the number
3 of each bill, resolution or other matter which may be
4 considered. During session, notice of meetings of
5 standing committees shall be published daily. Notice
6 shall be delivered by the Chair to the Secretary-
7 Parliamentarian's office on a form prescribed by the
8 Secretary-Parliamentarian of the Senate by the end of the
9 session on the day preceding its intended publication.

10 (ii) Whenever the Chair of any standing committee
11 shall refuse to call a regular meeting, then a majority
12 plus one of the members of the standing committee may
13 vote to call a meeting by giving two days' written notice
14 to the Secretary-Parliamentarian of the Senate, setting
15 the time and place for such meeting. Such notice shall be
16 read in the Senate and the same posted by the Secretary-
17 Parliamentarian in the Senate. Thereafter, the meeting
18 shall be held at the time and place specified in the
19 notice. In addition, any such meeting shall comply with
20 all provisions of 65 Pa.C.S. Ch. 7 (relating to open
21 meetings) relative to notice of meetings.

22 (iii) When the majority plus one of the members of a
23 standing committee believe that a certain bill or
24 resolution in the possession of the standing committee
25 should be considered and acted upon by such committee,
26 they may request the Chair to include the same as part of
27 the business of a committee meeting. Should the Chair
28 refuse such request, the membership may require that such
29 bill be considered by written motion made and approved by
30 a majority plus one vote of the entire membership to

1 which the committee is entitled.

2 (2) A committee meeting, or hearing for which notice has
3 not been published as provided in paragraph (1), may be held
4 during a session only if approval is granted by the Majority
5 Leader and the Minority Leader and if notice of the bills to
6 be considered is given during session.

7 (f) Bills recommitted.--Any bill or resolution reported by
8 any standing committee without prior notice having been given as
9 required by these Rules shall be recommitted to the committee
10 reporting the same.

11 (g) Public meetings or hearings.--

12 (1) The following apply:

13 (i) The Chair of a standing committee may hold
14 hearings open to the public and in doing so shall make a
15 public announcement in writing prior to the date of the
16 hearing of the date, time, location and subject matter of
17 the hearing.

18 (ii) The Chair of a standing committee shall have
19 the power to designate whether or not a meeting of the
20 committee for the purpose of transacting committee
21 business shall be open to the public or shall be held in
22 executive session and therefore closed to the public, but
23 no matters may be considered in executive session for
24 which an open meeting is required under 65 Pa.C.S. Ch. 7
25 (relating to open meetings).

26 (2) All standing committees may have their hearings
27 reported and transcribed if payment for such service is being
28 made from committee funds. If payment is expected to be made
29 from a source other than committee funds, approval must be
30 first obtained from the President Pro Tempore.

1 (3) The meetings of the Senate standing and special
2 committees may be livestreamed as determined by the committee
3 chair, if held in a hearing room equipped for that purpose,
4 and posted on the official Senate Internet website. The
5 official Senate livestream and recordings of the livestream,
6 video or audio, may be broadcasted and posted on the
7 respective Senate caucus websites and social media platforms.
8 The restrictions on video and audio feeds under Rule 23 apply
9 to livestreamed and video recordings of standing and special
10 committee meetings.

11 (h) Quorum of committee.--A committee is actually assembled
12 only when a quorum constituting a majority of the members of
13 that committee is present in person. A majority of the quorum of
14 the whole committee shall be required to report any bill,
15 resolution or other matter to the Floor for action by the whole
16 Senate.

17 (i) Quorum of subcommittee.--A subcommittee is actually
18 assembled only when a quorum constituting a majority of the
19 members of that subcommittee is present in person. A majority of
20 the quorum of the whole subcommittee shall be required to report
21 any bill, resolution or other matter to the committee.

22 (j) Discharging committees.--

23 (1) No standing committee shall be discharged from
24 consideration of any bill, resolution or other matter within
25 10 legislative days of its reference to committee without the
26 unanimous consent of the Senate or after such 10-day period
27 except by majority vote of all members elected to the Senate.

28 (2) Such discharge shall be by resolution which shall
29 lie over one day for consideration upon introduction and
30 which may be considered under the Order of Business of

1 Resolutions on the Calendar.

2 Rule 15. Committee officers.

3 (a) Chair-ex-officio.--The Chair and Minority Chair of each
4 standing committee shall be ex-officio members of each
5 subcommittee that may be established as part of the standing
6 committee, with the right to attend meetings of the subcommittee
7 and vote on any matter before the subcommittee.

8 (b) Calling committee to order.--The Chair or, if authorized
9 by the Chair, the Vice Chair, shall call the committee to order
10 at the hour provided by these Rules. Upon the appearance of a
11 quorum, the committee shall proceed with the order of business.
12 Any member of the committee may question the existence of a
13 quorum.

14 (c) Chair control of the committee room.--The Chair or, if
15 authorized by the Chair, the Vice Chair, shall preserve order
16 and decorum and shall have general control of the committee
17 room. In case of a disturbance or disorderly conduct in the
18 committee room, the Chair or, if authorized by the Chair, the
19 Vice Chair, may cause the same to be cleared. The use of cell
20 phones and similar portable communication devices within any
21 Senate committee room by other than members of the Senate or
22 their staffs is strictly prohibited.

23 (d) Chair's authority to sign documents and decide questions
24 of order.--The Chair shall sign all notices, vouchers, subpoenas
25 or reports required or permitted by these Rules. The Chair shall
26 decide all questions of order relative to parliamentary
27 procedure, subject to an appeal by any member of the committee.

28 (e) Vote of Chair, Vice Chair.--The Chair and Vice Chair
29 shall vote on all matters before such committee; Provided, That
30 the name of the Chair shall be called last.

1 (f) Performance of duties by Vice Chair.--Upon the death of
2 the Chair, the Vice Chair shall perform the duties of the office
3 until and unless the President Pro Tempore shall appoint a
4 successor or designate an acting Chair. Upon and during
5 disability, or incapacity of the Chair, the Vice Chair shall
6 perform the Chair's duties.

7 (g) Chair's duty to report.--The Chair shall report any bill
8 to the Floor of the Senate not later than the next occurring
9 legislative day after the committee's vote to report it.

10 (h) Amendments.--Upon reporting the bill from committee, the
11 Chair shall submit all amendments adopted in committee to the
12 Secretary-Parliamentarian of the Senate for posting on the
13 Internet website maintained by the Senate.

14 Rule 16. Committee members.

15 Members, attendance and voting shall be as follows:

16 (1) Every member of a committee shall be in attendance
17 during each of its meetings, unless excused or necessarily
18 prevented, and shall vote on each question, except that a
19 member desiring to be excused from voting in committee due to
20 a direct, personal, private or pecuniary interest shall seek
21 a ruling from the Chair pursuant to Rule 20(c).

22 (2) The Chair may excuse any Senator for just cause from
23 attendance during the meetings of the committee for any
24 stated period.

25 (3) Any member of a committee who is otherwise engaged
26 in legislative duties may have the member's vote recorded on
27 bills, resolutions or other matters pending before the
28 committee by communicating in writing to the Chair the
29 inability to attend and the manner in which the member
30 desires to be voted on bills, resolutions or other matters

1 pending before the committee.

2 Rule 17. Committee voting.

3 Taking the vote shall be as follows:

4 (1) The Chair shall announce the results of all votes to
5 report a bill or resolution or a vote regarding an executive
6 nomination. All votes shall be open to the public and shall
7 be posted on the Internet website maintained by the Senate
8 within 24 hours.

9 (2) In all cases where the committee vote shall be
10 equally divided, the question falls.

11 Rule 18. Motions in committees.

12 All motions made in committee shall be governed and take the
13 same precedence as those set forth in these Rules.

14 Rule 19. Conference Committees.

15 (a) Composition.--The President Pro Tempore shall appoint
16 three Senators to comprise a Committee of Conference. Two shall
17 be from the Majority Party and one from the Minority Party.

18 (b) Deliberations.--The deliberations of the committee shall
19 be confined to the subject of difference between the two Houses,
20 unless both Houses shall direct a free conference.

21 (c) Report of Conference Committee.--

22 (1) The report of a Committee of Conference shall be
23 prepared in triplicate by the Legislative Reference Bureau
24 and shall be signed by the members or a majority of the
25 members of each committee comprising the Committee of
26 Conference. Every report of a Committee of Conference shall
27 be printed together with the bill as amended by the
28 committee, shall be made available to the Senators, including
29 being available on the Senate Virtual Session Desk
30 application or its successor applications, and shall be

1 particularly referred to on their calendars before action
2 shall be taken on such report. No report of a Committee of
3 Conference may be adopted by the Senate until at least six
4 hours have elapsed from the time of adoption of the report by
5 the Committee of Conference.

6 (2) A report of a Committee of Conference which requires
7 the expenditure of Commonwealth funds or funds of a political
8 subdivision or causes a loss of revenue to the Commonwealth
9 or a political subdivision shall have a fiscal note attached
10 before the report is finally adopted by the Senate.

11 (d) Adoption of Conference Committee report.--Reports of
12 committees of conference shall be adopted only by the vote of a
13 majority of the members elected to the Senate, taken by yeas and
14 nays. (Const. Art. III, Sec. 5)

15 Rule 20. Voting.

16 (a) Senators must be present.--Every Senator shall be
17 present within the Senate Chamber during the sessions of the
18 Senate and shall be recorded as voting on each question stated
19 from the Chair which requires a roll call vote unless the
20 Senator is on leave, is duly excused or is unavoidably prevented
21 from attending session. The refusal of any Senator to vote as
22 provided by this Rule shall be deemed a contempt of the Senate.

23 (b) Voting required.--Except as may be otherwise provided by
24 this Rule, no Senator shall be permitted to vote on any question
25 unless the Senator is present in the Senate Chamber at the time
26 the roll is being called, or prior to the announcement of the
27 vote, unless the following applies:

28 (1) Capitol leave.--A Senator who is performing a
29 legislative duty in the Harrisburg area, which is defined in
30 the Financial Operating Rules of the Senate as within Dauphin

1 County or otherwise within a 10 mile radius of the Capitol,
2 may, upon request during session, be granted a Capitol Leave
3 by the Senate and may be voted by the Senator's respective
4 Floor Leader. A specific reason for the Capitol Leave must be
5 given in writing by the Senator. The Capitol Leave request
6 shall be communicated to the Senator's respective Whip for
7 transmission to the respective Floor Leader prior to the
8 beginning of a roll call vote. All written Capitol Leave
9 requests shall be transmitted by the respective Floor Leaders
10 to the Secretary-Parliamentarian of the Senate for retention
11 in accordance with Rule 6(c)(3) within 24 hours of the
12 conclusion of the legislative day in which leave was
13 requested.

14 (2) Legislative leave.--A Senator who is performing a
15 legislative duty outside of the Harrisburg area may, upon
16 request during session, be granted a Legislative Leave by the
17 Senate and may be voted by the Senator's respective Floor
18 Leader. A specific reason for the Legislative Leave must be
19 given in writing by the Senator. The Legislative Leave
20 request shall be communicated to the Senator's respective
21 Whip for transmission to the respective Floor Leader prior to
22 the beginning of a roll call vote. All written Legislative
23 Leave requests shall be transmitted by the respective Floor
24 Leaders to the Secretary-Parliamentarian of the Senate for
25 retention in accordance with Rule 6(c)(3) within 24 hours of
26 the conclusion of the legislative day in which leave was
27 requested.

28 (3) Military leave.--A Senator who is on active duty or
29 in training with a reserve component of the armed forces of
30 the United States or the Pennsylvania National Guard or Air

1 National Guard may be granted a military leave. A Senator
2 requesting military leave shall submit a leave request to the
3 Senator's respective Floor Leader who shall transmit the
4 request to the Secretary-Parliamentarian of the Senate on
5 behalf of the Senator requesting leave within 24 hours of the
6 conclusion of the legislative day in which leave was
7 requested.

8 (4) Personal leave.--A Senator who is absent for any
9 purpose other than those set forth in these Rules may be
10 granted a personal leave. A Senator on personal leave shall
11 not be voted on any question before the Senate or on any
12 question before any committee of the Senate. A Senator
13 requesting personal leave shall submit a leave request to the
14 Senator's respective Floor Leader who shall transmit the
15 request to the Secretary-Parliamentarian of the Senate on
16 behalf of the Senator requesting leave within 24 hours of the
17 conclusion of the legislative day in which leave was
18 requested.

19 (c) Excused from voting.--

20 (1) A Senator desiring to be excused from voting due to
21 a direct, personal, private or pecuniary interest in any
22 question or bill proposed or pending before the Senate shall
23 seek a ruling from the presiding officer.

24 (2) Senators who seek a ruling on whether they have a
25 direct, personal, private or pecuniary interest in any
26 question or bill proposed or pending before the Senate shall,
27 after the Senator is recognized by the presiding officer,
28 make a brief statement of the reasons for making the request
29 and ask the presiding officer to decide whether or not the
30 Senator must vote. The question shall be decided by the

1 presiding officer without debate.

2 (d) Changing vote.--No Senator may vote or change a vote
3 after the result is announced by the Chair. Before the
4 announcement of the final result, however, a Senator may change
5 a vote, or may vote, if previously absent from the Chamber.
6 Should a Senator be erroneously recorded on any vote, the
7 Senator may at any time, with the permission of the Senate, make
8 a statement to that effect which shall be entered in the
9 Journal. Similarly, should the Senator be absent when a vote is
10 taken on any question, the Senator may later, with the
11 permission of the Senate, make a statement for entry upon the
12 Journal, indicating how the Senator would have voted had the
13 Senator been present when the roll was taken and the reasons
14 therefor shall be submitted in writing or delivered orally not
15 to exceed five minutes.

16 (e) Persons allowed at desk during roll call.--No Senator or
17 other person, except the Majority or Minority Leader or other
18 persons designated by them, shall be permitted at the Reading
19 Clerk's desk during the recording, counting or verification of a
20 roll call vote.

21 (f) Two-thirds vote.--When bills or other matters which
22 require a two-thirds vote are under consideration, the
23 concurrence of two-thirds of all the Senators elected shall not
24 be requisite to decide any question or amendment short of the
25 final question and, on any question short of the final one, a
26 majority of Senators voting shall be sufficient to pass the
27 same.

28 (g) Majority vote defined.--A majority of the Senators
29 elected shall mean a majority of the Senators elected, living,
30 sworn and seated.

1 (h) Majority vote.--When bills or other matters which
2 require a vote of the majority of Senators elected are under
3 consideration, the concurrence of a majority of all the Senators
4 elected shall not be requisite to decide any question or
5 amendment short of the final question; and, on any question
6 short of a final one, a majority of Senators voting shall be
7 sufficient to pass the same.

8 (i) Announcement of vote.--Upon completion of a roll call
9 vote or a voice vote, the result shall be announced immediately
10 unless the Majority or Minority Leader requests a delay.

11 (j) Explanation of vote.--Any Senator may, with the consent
12 of the Senate, make an explanation of a vote on any question and
13 have the explanation printed in the Journal.

14 (k) Tie vote.--In the case of a tie vote, the President of
15 the Senate may cast a vote to break the tie as long as, by doing
16 so, it does not violate any provisions of the Constitution of
17 Pennsylvania. In the event that there is a tie vote on a
18 question requiring a constitutional majority, the question
19 falls.

20 (l) Verifying vote.--Any Senator may demand a verification
21 of a vote immediately upon the completion of a roll call or
22 after the announcement of the vote by the presiding officer. In
23 verifying a vote, the Clerk shall first read the affirmative
24 roll at which time any additions or corrections shall be made.
25 Upon the completion and verification of the affirmative roll
26 call, the Clerk shall proceed with the reading of the negative
27 roll at which time any additions or corrections shall be made.
28 Upon the completion and verification of the negative roll call,
29 the roll call shall be declared verified. It shall not be in
30 order for a Senator to change a vote after the verified roll

1 call is announced. A demand for a verification shall not be in
2 order when all Senators vote one way. The demand for a
3 verification of a vote is not debatable.

4 (m) Voice vote.--Unless otherwise ordered, demanded or
5 required, a voice vote may be taken. Any Senator who doubts the
6 accuracy of a voice vote may demand a roll call vote. Such
7 request must be made immediately upon the announcement of the
8 vote by the presiding officer and shall not be in order after
9 other business has intervened. The demand for a verification of
10 a voice vote shall not be in order.

11 Rule 21. Correspondents.

12 (a) Admission to Senate Press Gallery.--Admission to the
13 Senate Press Gallery shall be limited to members in good
14 standing of the Pennsylvania Legislative Correspondents'
15 Association and to other members of the press as determined by
16 the President Pro Tempore. Seating shall be available on a
17 first-come basis.

18 (b) Photographs in Senate Chamber.--

19 (1) Photographers may be authorized by the President Pro
20 Tempore to take still photographs in the Senate.

21 (2) No still photographs shall be taken in the Senate
22 during sessions without prior notice to the Senators. When
23 possible, such notice shall be given at the beginning of the
24 session during which the still photographs are scheduled to
25 be taken.

26 (c) Order and decorum of press.--

27 (1) Persons seated in the Senate Press Gallery shall be
28 dressed appropriately and shall, at all times, refrain from
29 loud talking or causing any disturbance which tends to
30 interrupt the proceedings of the Senate.

1 (2) Persons seated in the Senate Press Gallery shall not
2 walk onto the Floor of the Senate nor approach the rostrum or
3 the Reading Clerk's desk during session or while being at
4 ease.

5 Rule 22. Radio and television.

6 (a) Filming, videotaping, televising and broadcasting.--
7 Filming, videotaping, televising or broadcasting of Senate
8 sessions shall be permitted as provided in these Rules.

9 (b) Broadcasting session.--Nothing in this Rule shall be
10 construed to prohibit any licensed radio station or television
11 station from broadcasting a session from the Senate or any part
12 thereof; Provided, That the signal originates from the Senate-
13 operated audio-visual system which transmits Senate session
14 activity to the offices in the Main Capitol and environs.

15 Rule 23. Video feed and audio feed.

16 (a) Responsibilities of the Chief Clerk of the Senate.--

17 (1) The Chief Clerk, in consultation with the Secretary-
18 Parliamentarian of the Senate, shall provide a video feed and
19 audio feed of Senate Floor activity.

20 (2) The Chief Clerk shall be responsible for the
21 acquisition, installation and maintenance of equipment
22 required to provide the video feed and audio feed, and for
23 the continued development and operation of the feeds,
24 including the hiring of the necessary personnel.

25 (3) All equipment required to produce the video feed and
26 audio feed shall be operated by Senate personnel. Nothing in
27 any contract entered into by the Office of the Chief Clerk
28 regarding installation or maintenance of equipment shall
29 permit any control over the video cameras and microphones in
30 the Senate Chamber to be exercised by anyone but the

1 appropriate Senate officers and employees.

2 (b) Sessions provided free of charge.--

3 (1) Continuous broadcast of Senate sessions shall be
4 provided free of charge to any licensed television station,
5 radio station or cable television outlet and shall further be
6 available through the Senate's Internet website.

7 (2) The Senate Committee on Management Operations may
8 authorize providing the video feed and audio feed free of
9 charge to other entities.

10 (c) Funding.--Funding for the implementation and operation
11 of the broadcasting system shall be provided through Senate
12 appropriations.

13 (d) Scope of video and audio feeds.--

14 (1) The video feed and audio feed shall provide a
15 complete, unedited record of what is said on the Floor of the
16 Senate and shall be free from commentary.

17 (2) To the extent possible, only the presiding officer
18 and the persons actually speaking shall be covered by the
19 video cameras and microphones.

20 (3) During roll call votes and other votes, the video
21 cameras shall be focused on the presiding officer or the
22 appropriate clerks until the announcement of the vote
23 tabulation by the presiding officer.

24 (4) During recesses of the Senate or when the Senate is
25 at ease, the video feed and audio feed shall be turned off.

26 (5) During guest introductions, video feed of guests
27 seated in the Senate Gallery or on the floor of the Senate is
28 permissible.

29 (e) Restrictions on video and audio feeds.--

30 (1) The video feed and audio feed, and any television or

1 radio coverage thereof, shall not be made available or used
2 for political or campaign purposes, whether in paid political
3 advertisements or otherwise. Use of the video feed and audio
4 feed shall be subject to all Federal and State laws relating
5 to elections and campaign practices.

6 (2) The video feed and audio feed, and any television or
7 radio coverage thereof, shall not be used in any commercial
8 advertisement.

9 (3) Any live coverage of the Senate shall be without and
10 presented without any commercial sponsorship, except when it
11 is part of a bona fide news program or public affairs
12 program.

13 (4) The President Pro Tempore or any other presiding
14 officer shall be prohibited from ordering, without consent of
15 the Senate, that any segment of a Floor session not be
16 broadcast or recorded.

17 (5) Except as provided in this Rule, the President Pro
18 Tempore, any other presiding officer and any Senator, officer
19 or employee of the Senate shall be prohibited from editing
20 any portion of the video feed and audio feed described in
21 this Rule.

22 (6) Official Senate video feed of Senate session shall
23 be broadcast on the official Senate Internet website by the
24 Legislative Data Processing Committee. All caucuses may
25 broadcast and post unedited session videos on their
26 respective Senate caucus websites and social media platforms
27 using the official Senate feed.

28 (7) A Senator may post an unedited video clip or audio
29 clip of Senate session on his or her Senate social media
30 platforms or provide an unedited video clip or audio clip of

1 Senate session for any television broadcast as long as the
2 video clip or audio clip exclusively features the Senator who
3 is posting or providing the video clip or audio clip.

4 (f) Other recording prohibited.--

5 (1) Except as provided in this Rule, any recording,
6 filming, videotaping, broadcasting or distribution of any
7 session of the Senate, or any part thereof, in any form
8 whatsoever is prohibited.

9 (2) Nothing in this Rule shall be construed to prohibit
10 any licensed radio or television station or other licensed
11 entity from broadcasting a session from the Senate or any
12 part thereof; Provided, That the signal originates from the
13 Senate-operated sound and video system which transmits Senate
14 session activity to the offices in the Main Capitol and
15 environs.

16 (g) Violations.--Any violation of this Rule shall be dealt
17 with as directed by the Committee on Rules and Executive
18 Nominations.

19 (h) Official record.--The video feed and audio feed provided
20 by the Senate shall not constitute an official record of Senate
21 actions. The official record of Senate actions shall be
22 contained in the Journals prepared by the Secretary-
23 Parliamentarian of the Senate and approved by the Senate or
24 posted on the Senate Internet website pursuant to Rule 6(c)(9).
25 Rule 24. Who privileged to the Floor of the Senate.

26 (a) Admission during session.--With the exception of the
27 Senate Gallery and Senate Press Gallery, no person shall be
28 admitted within the Senate Chamber during Senate sessions,
29 unless invited by the President Pro Tempore or the Majority
30 Leader or Minority Leader. Prior to the start of each Senate

1 session day, the Majority Leader and the Minority Leader shall
2 provide notice to the President Pro Tempore listing the guests
3 they have invited to the Floor of the Senate. During session,
4 authorized staff with access to the Senate Chamber shall be
5 limited and shall be restricted to the area immediately adjacent
6 to the Majority Leader's and Minority Leader's desks. Advice to
7 Senators during debate shall be allowed only when the Senator is
8 using the microphones at the Majority Leader's and Minority
9 Leader's desks.

10 (b) Rear entrance closed during session.--No person shall,
11 during a session, be permitted to enter through the front or
12 rear door of the Senate Chamber nor be present in the rooms
13 immediately to the rear of the Senate Chamber except for
14 Senators, officers and employees expressly authorized.

15 (c) Telephone facilities.--No person other than Senators,
16 Senate Officers or their staff shall, at any time, be permitted
17 to use the telephone facilities in or adjacent to the Senate
18 Chamber.

19 Rule 25. Rules.

20 (a) Force and effect.--These Rules shall be in full force
21 and effect until altered, changed, amended or repealed as
22 provided in subsection (d).

23 (b) Dispensing with Rules.--The consent of a majority of the
24 Senators elected shall be necessary to suspend any Rule.

25 (c) Voting for altering, changing or amending Rules.--The
26 consent of a majority of the Senators elected shall be necessary
27 to alter, change or amend these Rules.

28 (d) Alteration, change or amendment of Rules by
29 resolution.--All alterations, changes or amendments to Senate
30 Rules shall be by resolution which shall not be considered

1 unless first referred to and reported from the Rules and
2 Executive Nominations Committee.

3 Rule 26. Mason's Manual of Legislative Procedure to govern
4 Senate.

5 The Rules of Parliamentary Practice comprised in Mason's
6 Manual of Legislative Procedure shall govern the Senate in all
7 cases to which they are applicable, and in which they are not
8 inconsistent with the Standing Rules, Prior Decisions and Orders
9 of the Senate.

10 Rule 27. Quorum.

11 (a) Majority constitutes a quorum.--A majority of Senators
12 elected shall constitute a quorum, but a smaller number may
13 adjourn from day to day and compel the attendance of absent
14 members. (Const. Art. II, Sec. 10)

15 (b) When less than a quorum is present.--When, upon a call,
16 which may be demanded by not less than four Senators, it is
17 found that less than a quorum is present, it shall be the duty
18 of the presiding officer to order the doors of the Senate to be
19 closed, and to direct the Reading Clerk to call the roll of the
20 Senate and note the absentees after which the names of the
21 absentees shall be again called. A Senator whose absence is not
22 excused, or for whom an insufficient excuse is made, may by
23 order of a majority of the Senators present be sent for and
24 taken into custody by the Chief Sergeant-at-Arms, or assistant
25 sergeants-at-arms appointed for the purpose. Any unexcused
26 Senator shall be brought before the bar of the Senate, where the
27 Senator, unless excused by a majority of the Senators present,
28 shall be publicly reprimanded by the presiding officer for
29 neglect of duty.

30 (c) When less than a quorum vote but are present.--When less

1 than a quorum vote upon any subject under the consideration of
2 the Senate, not less than four Senators may demand a call of the
3 Senate, when it shall be the duty of the presiding officer to
4 order the doors of the Senate to be closed and the roll of the
5 Senators to be called. If it is ascertained that a quorum is
6 present, either by answering to their names, or by their
7 presence in the Senate, the presiding officer shall again order
8 the yeas and nays; and, if any Senator present refuses to vote,
9 the name or names of such Senator shall be entered on the
10 Journal as "Present but not voting." Such refusal to vote shall
11 be deemed a contempt; and, unless purged, the presiding officer
12 shall direct the Chief Sergeant-at-Arms to bring the Senator
13 before the bar of the Senate, where the Senator shall be
14 publicly reprimanded by the presiding officer.

15 Rule 28. Executive nominations.

16 (a) Presentation and reference.--

17 (1) All nominations by the Governor or the Attorney
18 General shall be submitted to the Secretary-Parliamentarian
19 of the Senate. All nominees shall file the financial
20 statements required pursuant to 65 Pa.C.S. Ch. 11 (relating
21 to ethics standards and financial disclosure) with the
22 Secretary-Parliamentarian of the Senate. Copies of the
23 nominations and financial statements shall be furnished by
24 the Secretary-Parliamentarian of the Senate to the Majority
25 Caucus Secretary and Minority Caucus Secretary or their
26 designees.

27 (2) Nominations shall, after being read, without a
28 motion, be referred by the presiding officer to the Committee
29 on Rules and Executive Nominations. After having been
30 reported by the committee, the final question on every

1 nomination shall be: "Will the Senate advise and consent to
2 this nomination?"

3 (3) The Chair of the Committee on Rules and Executive
4 Nominations shall designate an appropriate standing committee
5 of the Senate to conduct a public hearing for nominees that
6 have Statewide jurisdiction and to which salaries are
7 attached. The Committee on Rules and Executive Nominations
8 shall refer those nominees to the designated committee for
9 the purpose of holding a public hearing to scrutinize the
10 qualifications of nominees and to report its recommendations.
11 Public hearings may be held for nominees for any other
12 office.

13 (b) Information concerning nominations.--All information,
14 communication or remarks made by a Senator when acting upon
15 nominations in committee, concerning the character or
16 qualifications of the person nominated, may be kept
17 confidential. If, however, charges shall be made against a
18 person nominated, the committee may, in its discretion, notify
19 the nominee, but the name of the person making such charges
20 shall not be disclosed.

21 (c) Consideration.--When the consideration of executive
22 nominations is reached in the order of business, a Senator may
23 make a motion to go into executive session for the purpose of
24 confirming the nominations which have been reported from
25 committee; and on the motion being agreed to, the nomination or
26 nominations shall be considered until finally disposed of,
27 unless the same shall be postponed by a majority of the Senate.

28 (d) Executive session.--When in executive session, no
29 communication shall be received from the Governor, unless it be
30 relative to the nomination under consideration, nor from the

1 House of Representatives, nor shall any other business be
2 considered.

3 (e) Reconsideration.--When a nomination is confirmed or
4 rejected by the Senate, any Senator may move for a
5 reconsideration on the same day on which the vote was taken, or
6 on either of the next two days of voting session of the Senate;
7 but if a notification of the confirmation or rejection of a
8 nomination shall have been sent to the Governor before the
9 expiration of the time within which a motion to reconsider may
10 be made, the motion to reconsider shall be accompanied by a
11 motion to request the Governor to return such notification to
12 the Senate. A motion to reconsider the vote on a nomination may
13 be laid on the table without prejudice to the nomination.

14 Rule 29. Resolutions.

15 (a) Introduction.--All resolutions, Senate and concurrent,
16 shall be introduced by presenting five copies of the Resolution,
17 with the sponsor identified, to the presiding officer.

18 (b) Consideration.--The following resolutions, after being
19 read, shall be referred to an appropriate committee without
20 debate unless by unanimous consent the Senate shall otherwise
21 direct and, if favorably reported by the committee, shall lie
22 over one day for consideration, after which the resolutions may
23 be called up under the appropriate order of business:

24 (1) All Senate concurrent resolutions and House
25 concurrent resolutions, excepting resolutions in reference to
26 adjournment sine die, recesses and resolutions recalling
27 bills from the Governor, which shall be regarded as
28 privileged.

29 (2) Resolutions containing calls for information from
30 the heads of departments or to alter the Rules.

1 (3) Resolutions giving rise to debate, except those that
2 relate to the disposition of matters immediately before the
3 Senate, those that relate to the business of the day on which
4 they were offered, and those that relate to adjournment sine
5 die or a recess.

6 (c) Printing in Senate History.--

7 (1) (Reserved).

8 (2) All resolutions shall be adopted by a majority vote
9 of the Senators present except as specifically provided for
10 in these Rules.

11 (d) Joint Resolutions.--

12 (1) Joint resolutions shall be limited to constitutional
13 amendments and shall be adopted by a vote of a majority of
14 the Senators elected to the Senate.

15 (2) A Joint resolution when passed by both Houses shall
16 not be transmitted to the Governor for approval or
17 disapproval but shall be filed in the Office of the Secretary
18 of the Commonwealth in accordance with Article XI, section 1
19 of the Constitution of Pennsylvania.

20 Rule 29.1. Citations.

21 (a) Preparation.--A member making a request that a Senate
22 Citation be issued to a particular person or on a specified
23 occasion shall provide the Legislative Reference Bureau with the
24 facts necessary for the preparation of the citation on a
25 suitable form.

26 (b) Filing.--The citation request shall be filed with the
27 Secretary-Parliamentarian of the Senate and automatically
28 referred to the President Pro Tempore, who may approve and sign
29 the citation on behalf of the Senate.

30 (c) Issuance.--One original citation shall be issued by the

1 Secretary-Parliamentarian of the Senate.

2 Rule 30. General access to the Senate Floor prohibited.

3 The Secretary-Parliamentarian of the Senate shall cause the
4 doors to the Senate Floor to be closed to all persons except
5 those who are entitled to access pursuant to the Rules of the
6 Senate. On days when the Senate is not in session, access to the
7 Senate Floor by any person not connected with the Senate is
8 prohibited. Other than the Senator, no person shall be permitted
9 to occupy the seat of a Senator at any time.

10 Rule 31. Veto.

11 (a) Passing over veto.--When any bill is not approved by the
12 Governor, he shall return it with his objection to the House in
13 which such bill originated. Thereupon such House shall enter the
14 objections upon their Journal and proceed to reconsider it. If,
15 after such reconsideration, two-thirds of all the Members
16 elected to that House shall agree to pass the bill, it shall be
17 sent with the objections to the other House by which likewise it
18 shall be reconsidered and, if approved by two-thirds of all the
19 members elected to that House, it shall become a law. (Const.
20 Art. IV, Sec. 15)

21 (b) Consideration during second regular session.--A bill
22 vetoed in a first regular session and not finally acted upon may
23 be brought up for consideration in a second regular session.

24 Rule 32. Division of a question.

25 Any Senator may call for a division of a question by the
26 Senate if the question includes points so distinct and separate
27 that, one of them being taken away, the other will stand as a
28 complete proposition. The motion to strike out and insert is
29 indivisible.

30 Rule 33. Coordination with other Senate Rules.

1 Any use of Senate resources or time shall be governed by the
2 Financial Operating Rules and the Ethical Conduct Rules of the
3 Senate.

4 Rule 34. Committee on Ethics.

5 (a) Composition.--In addition to the committees created by
6 Rule 14, there shall be a Senate Committee on Ethics which shall
7 be composed of six members appointed by the President Pro
8 Tempore. Three members shall be of the Majority Party and three
9 members shall be of the Minority Party. The Minority Party
10 members will be appointed on the recommendation of the Minority
11 Leader.

12 (b) Organization.--The Senate Committee on Ethics shall be
13 organized as follows:

14 (1) The President Pro Tempore shall appoint one of the
15 Majority Party members as Chair and, on the recommendation of
16 the Minority Leader, one of the Minority Party members as
17 Vice Chair. A quorum for this committee shall be four
18 members, and the committee shall have such duties, powers,
19 procedure and jurisdiction as are prescribed and authorized
20 in this Rule.

21 (2) The chair shall notify all members of the committee
22 at least 24 hours in advance of the date, time and place of a
23 meeting. Whenever the chair shall refuse to call a meeting, a
24 majority of the committee may call a meeting by giving two
25 days' written notice to the Majority Leader and the Minority
26 Leader of the Senate setting forth the time and place for
27 such meeting. A meeting commenced in this manner shall be
28 held at the time and place specified in the notice.

29 (3) Except as provided in subsection (j), all meetings
30 of the committee shall be open to the public and notice of

1 such meetings shall be given as generally provided in these
2 Rules for the convening of committees.

3 (4) The committee may adopt rules of procedure for the
4 orderly conduct of its affairs, investigations, hearings and
5 meetings, which rules are not inconsistent with this Rule.

6 (c) Receipt of complaint.--The committee shall receive
7 complaints against any Senator alleging unethical conduct in
8 violation of a Senate Rule, statute or constitutional provision
9 governing the ethical conduct of a Senator. Any complaint filed
10 with the committee shall:

11 (1) be submitted in writing;

12 (2) be sworn or affirmed by the person filing the
13 complaint; and

14 (3) detail the alleged unethical conduct in question and
15 specify the Rule, statute or constitutional provision
16 allegedly violated.

17 (d) Review of complaint.--Upon receipt of a complaint that
18 conforms with all the requirements of this Rule, the Senate
19 Committee on Ethics shall review the complaint and determine
20 whether or not a preliminary investigation is warranted within
21 30 days of receiving the complaint. For good cause, a majority
22 of the members of the committee may vote to grant an additional
23 30 days to complete the committee's review. A frivolous or de
24 minimis complaint may be dismissed by a majority of the members
25 of the committee, with prejudice. The chair shall notify the
26 complainant and the subject Senator of the disposition of a
27 dismissed complaint.

28 (e) Disposition of complaints.--If it is determined by a
29 majority of the members of the Senate Committee on Ethics that
30 an ethical conduct violation may have occurred, the Senator

1 against whom the complaint has been brought shall be notified in
2 writing and given a copy of the complaint. Within 15 days after
3 receipt of the complaint, the Senator may file a written answer
4 to the complaint with the committee. If no answer is filed, the
5 complaint shall be deemed denied by the subject Senator. The
6 lack of an answer shall not be deemed to be an admission or
7 create an inference or presumption that the complaint is true.
8 The lack of an answer shall not prohibit a majority of the
9 members of the committee from either proceeding with a formal
10 investigation or dismissing the complaint.

11 (f) Preliminary investigation.--The committee shall have 30
12 days from the date that receipt of the answer to the complaint
13 is to be provided to complete its preliminary investigation. For
14 good cause, a majority of the members of the committee may vote
15 to grant an additional 30 days to complete the committee's
16 review. The committee may employ an independent counsel to
17 conduct a preliminary investigation. Upon conclusion of the
18 preliminary investigation, by vote of a majority of the members
19 of the committee, the committee shall determine whether to
20 proceed with a formal investigation, which may include hearings.
21 In the event that the committee vote is equally divided, the
22 question falls. If the committee does not decide to proceed to a
23 formal investigation, the Chair shall notify the complainant and
24 the subject Senator of the disposition of the complaint and
25 shall summarize the committee's rationale for its conclusion.

26 (g) Confidentiality.--Prior to the commencement of a formal
27 investigation, the fact that a preliminary investigation is
28 being conducted or is to be conducted shall be confidential
29 information. If, however, the filing of a complaint or a
30 preliminary investigation is made public by the complainant, the

1 committee may publicly confirm the receipt of a complaint.

2 (h) Indictment.--When an indictment is returned against a
3 member of the Senate, and the gravamen of the indictment is
4 directly related to the ethical conduct of a Senator in
5 violation of a Senate Rule, statute or constitutional provision
6 governing the ethical conduct of a Senator, the Senate Committee
7 on Ethics shall not initiate any new investigation and shall
8 suspend any ongoing investigation initiated pursuant to this
9 Rule until the subject matter of the indictment that relates to
10 the Senator's alleged unethical conduct is resolved.

11 (i) Alternative procedure.--In addition to action on formal
12 complaints as provided in subsection (c), a majority of the
13 members of the Senate Committee on Ethics may initiate a
14 preliminary investigation of suspected unethical conduct in
15 violation of a Senate Rule, statute or constitutional provision
16 governing the ethical conduct of a Senator. If it is determined
17 by a majority of the members of the committee that a violation
18 may have occurred, the Senator in question shall be notified in
19 writing of the alleged unethical conduct in question and the
20 Rule, statute or constitutional provision allegedly violated.
21 Within 15 days of the receipt of this information, the Senator
22 may file a written answer with the committee. The lack of an
23 answer shall not be deemed to be an admission or create an
24 inference or presumption that the complaint is true. The lack of
25 an answer shall not prohibit a majority of the members of the
26 committee from either proceeding with a formal investigation or
27 dismissing the complaint. The committee shall have 30 days from
28 the date that receipt of the answer to the complaint is to be
29 provided to complete its preliminary investigation. For good
30 cause, a majority of the members of the committee may vote to

1 grant an additional 30 days to complete the committee's review.
2 Upon conclusion of the preliminary investigation, by vote of a
3 majority of the members of the committee, the committee shall
4 determine whether to proceed with a formal investigation, which
5 may include hearings. In the event that the committee vote is
6 equally divided, the question falls.

7 (j) Closed session.--The committee shall conduct its
8 preliminary investigations, hearings and meetings related to a
9 specific investigation or a specific Senator in closed session
10 unless the Senator subject to investigation advises the
11 committee in writing that the Senator wants such meetings or
12 hearings to be held publicly. In the event that the Senator in
13 question makes such a request, the committee shall furnish the
14 Senator with a public meeting or hearing.

15 (k) Formal investigation.--In the event that the Senate
16 Committee on Ethics shall elect to proceed with a formal
17 investigation of alleged unethical conduct by a Senator, the
18 committee may employ an independent counsel to conduct a formal
19 investigation. The committee and any independent counsel
20 employed by the committee shall comply with the following
21 procedural requirements at all stages of the investigation:

22 (1) The Chair of the Senate Committee on Ethics may
23 continue any hearing for reasonable cause. Upon the vote of a
24 majority of the members of the committee, or upon the request
25 of the Senator subject to investigation, the Chair shall
26 issue subpoenas for the attendance and testimony of witnesses
27 and the production of documentary evidence relating to any
28 matter under formal investigation by the committee. The Chair
29 of the committee may administer oaths or affirmations,
30 examine and receive evidence, or rule on any objections

1 raised during the course of a hearing.

2 (2) All testimony, documents, records, data, statements
3 or information received by the committee in the course of any
4 preliminary or formal investigation shall be private and
5 confidential except in the case of public meetings or
6 hearings or in a report to the Senate.

7 (3) All constitutional rights of any Senator under
8 investigation shall be preserved, and the Senator shall be
9 entitled to present evidence, cross-examine witnesses, face
10 the accuser and be represented by counsel.

11 (4) An oath or affirmation shall be executed in writing
12 before any member of the committee, any independent counsel
13 employed by the committee to conduct a preliminary or formal
14 investigation, or any employee of the Senate related to the
15 investigation may have access to information that is
16 confidential pursuant to the rules of the committee as
17 follows:

18 "I do solemnly swear or affirm that I will not disclose,
19 to any person or entity outside of the Senate Committee
20 on Ethics, any information received in the course of my
21 service with the committee, except as authorized by the
22 committee or in accordance with the Rules of the Senate."

23 Copies of the executed oath or affirmation shall be provided
24 to the Secretary-Parliamentarian of the Senate as part of the
25 records of the Senate. Any Senator or other person who
26 violates the confidentiality requirements of this subsection
27 shall be removed immediately from the committee and replaced
28 by another Senator, counsel or employee of the Senate
29 appointed in like manner as the person's original appointment
30 or selection.

1 (l) Report.--No report regarding unethical conduct by a
2 Senator shall be made to the Senate unless a majority of the
3 members of the Senate Committee on Ethics determines that a
4 finding of unethical conduct in violation of a Senate Rule,
5 statute or constitutional provision governing the ethical
6 conduct of a Senator has occurred. No finding of unethical
7 conduct by a Senator in violation of a Senate Rule, statute or
8 constitutional provision governing the ethical conduct of a
9 Senator adopted by the Senate Committee on Ethics shall be valid
10 unless signed by at least a majority of the members of the
11 committee. Any such report may include a minority report. A
12 report adopted by the committee that contains findings of
13 unethical conduct by a Senator in violation of a Senate Rule,
14 statute or constitutional provision governing the ethical
15 conduct of a Senator shall not be filed with the Secretary-
16 Parliamentarian of the Senate or released to the public until at
17 least seven days after a copy of the report is sent by certified
18 mail to the Senator under investigation.

19 (m) Distribution of report.--After the expiration of the
20 seven-day notice requirement contained in subsection (l), the
21 Senate Committee on Ethics shall file its report with the
22 Secretary-Parliamentarian of the Senate, who shall cause a copy
23 of the report of the committee to be distributed to the members
24 of the Senate. The report of the Senate Committee on Ethics
25 shall be placed on the Senate Calendar and shall be acted upon
26 by the Senate within 10 legislative days of the adoption of a
27 temporary rule setting forth rules of procedure for the orderly
28 disposition of the report by the full Senate. A vote by a
29 majority of the members elected to the Senate shall be necessary
30 to adopt each finding set forth in the Ethics Committee Report.

1 (n) Sanction.--Should the full Senate vote to adopt an
2 unethical conduct finding against a Senator as set forth in the
3 Ethics Committee Report, that Senator may be subject to sanction
4 by the full Senate. A sanction may include any of the following
5 depending on the circumstances of the violation:

6 (1) a warning;

7 (2) a written reprimand;

8 (3) restitution for damages; or

9 (4) any other sanction provided for pursuant to the
10 Rules of the Senate or the Constitution of Pennsylvania.

11 (o) Advisory opinion.--The Senate Committee on Ethics, at
12 the request of a Senator or officer who has an ethical question
13 or concern regarding the Senate Rules individually or in
14 conjunction with others, may issue an advisory opinion seeking
15 to clarify the ethical requirements of the Senate Rules. These
16 advisory opinions, with such deletions and changes as shall be
17 necessary to protect the identity of the persons involved or
18 seeking the advisory opinions, may be published and shall be
19 distributed to all members, officers and employees of the
20 Senate. No action regarding unethical conduct may be taken
21 against a Senator, officer or employee who has relied on a
22 written advisory opinion, whether directly addressed to that
23 person or not, which is reasonably construed as being applicable
24 to the conduct in question.

25 (p) Committee member under investigation.--In the event that
26 a member of the Senate Committee on Ethics shall be under
27 investigation, that Senator shall be temporarily replaced on the
28 committee in a like manner to the Senator's original
29 appointment.

30 (q) Costs and expenses.--Whenever the committee shall employ

1 independent counsel to conduct a preliminary or formal
2 investigation or shall incur other expenses pursuant to its
3 duties pursuant to this Rule, payment of costs of such
4 independent counsel or other expenses incurred by the committee
5 pursuant to this Rule shall be paid by the Chief Clerk of the
6 Senate upon submission of vouchers and necessary documentation.
7 The vouchers shall be signed by both the Chair and Vice Chair of
8 the committee. Included in such allowable expense items shall be
9 travel and per diem for the members of the committee. The Chief
10 Clerk shall pay such expenses out of funds appropriated to the
11 Chief Clerk for incidental expenses.

12 Rule 35. Status of members indicted or convicted of a crime.

13 (a) Status generally.--When an indictment is returned
14 against a member of the Senate, and the gravamen of the
15 indictment is directly related to the Senator's conduct as a
16 committee chair, ranking minority committee member or in a
17 position of leadership, the Senator shall be relieved of such
18 committee chairmanship, ranking minority committee member
19 status, or leadership position until the indictment is disposed
20 of, but the member shall otherwise continue to function as a
21 Senator, including voting, and shall continue to be paid.

22 (b) Restoration.--If, during the same legislative session,
23 the indictment is quashed, or the court finds that the Senator
24 is not guilty of the offense alleged, the Senator shall
25 immediately be restored to the committee chairmanship, ranking
26 minority committee member status, or leadership position
27 retroactively from which that Senator was suspended.

28 (c) Resolution of expulsion.--Upon a finding or verdict of
29 guilt by a judge or jury, a plea or admission of guilt or plea
30 of nolo contendere of a crime by a member of the Senate, the

1 gravamen of which relates to the member's conduct as a Senator,
2 and upon imposition of sentence, the Secretary-Parliamentarian
3 of the Senate shall prepare a resolution of expulsion under
4 session, which shall appear on the Calendar on the next
5 legislative session day following an imposition of sentence
6 based upon a determination or admission of guilt or a plea of
7 nolo contendere.

8 Rule 36. Status of officers or employees indicted or convicted
9 of a crime.

10 (a) Suspension.--Whenever any officer or employee of the
11 Senate is indicted or otherwise charged before a court of record
12 with the commission of a felony or a misdemeanor, the gravamen
13 of which relates to the officer's or employee's conduct or
14 status as an officer or employee of the Commonwealth or the
15 disposition of public funds, the officer or employee shall be
16 suspended immediately without pay and benefits by the Chief
17 Clerk of the Senate. After a finding or a verdict of guilt by a
18 judge or jury, plea or admission of guilt, or plea of nolo
19 contendere, and upon imposition of sentence, the employment
20 shall be terminated.

21 (b) Termination of suspension.--If the indictment is
22 quashed, or the court finds that the officer or employee is not
23 guilty of the offense alleged, the suspension without pay shall
24 be terminated, and the officer or employee shall receive
25 compensation for the period of time during which the officer or
26 employee was suspended, which compensation shall be reduced by
27 the amount of any compensation the officer or employee earned
28 from other employment during the period of suspension.

29 (c) Appeal.--If the officer or employee or the supervising
30 Senator of such employee disagrees with the decision of the

1 Chief Clerk of the Senate as to whether an indictment for
2 particular conduct shall be a crime requiring suspension or
3 dismissal, the officer or employee in question or the
4 supervising Senator of the employee may appeal the suspension to
5 the Senate Committee on Ethics, which shall determine whether
6 the conduct charged is an offense requiring suspension. Whenever
7 an appeal of a suspension shall be taken to the committee, the
8 suspension shall remain effective pending a decision by the
9 committee.

10 Rule 37. Affiliation with nonprofit entities.

11 (a) Requirements.--In order for a Senator or Senate
12 employee, including a family member of the Senator or Senate
13 employee, to be affiliated with a nonprofit entity, the
14 nonprofit entity must meet all of the following:

15 (1) Be a legal entity formed under the laws of this
16 Commonwealth or another state that is qualified for nonprofit
17 status.

18 (2) Have a formally established board of directors with
19 at least four members that is fully accountable for the
20 nonprofit entity's overall operation.

21 (3) Have a written set of bylaws or rules, approved by
22 its board of directors, that establishes its composition and
23 governance process.

24 (4) Require official action of the board of directors to
25 be approved and executed in a manner consistent with its
26 bylaws or rules.

27 (5) Not receive grant funding directly from the
28 Commonwealth that comprises its sole source of operational
29 funding.

30 (b) Prohibitions.--A Senator or Senate employee, including a

1 family member of that Senator or Senate employee, who is
2 affiliated with a nonprofit entity may not do any of the
3 following with regard to a nonprofit entity with which that
4 Senator or Senate employee, including a family member of that
5 Senator or Senate employee, is affiliated:

6 (1) Exercise sole and unilateral control of a final
7 action of the nonprofit entity regarding allocation or
8 disbursement of grant funding that the nonprofit entity
9 receives directly from the Commonwealth.

10 (2) Direct a Senate employee to staff or provide
11 services to the nonprofit entity as a condition of
12 employment.

13 (3) Direct the personnel or other resources of the
14 nonprofit entity for the benefit of a Senator's campaign.

15 (4) Commingle funds from any Senate expense account with
16 the funds of the nonprofit entity with the knowledge and
17 intent that those funds are to be used for the direct
18 reimbursement of expenses incurred by that nonprofit entity.

19 (5) Maintain a Senate district office within or
20 contiguous to the same office as the nonprofit entity.

21 (c) Applicability.--A Senator or Senate employee, including
22 a family member of that Senator or Senate employee, shall not be
23 subject to the requirements of this Rule if the affiliated
24 nonprofit entity receives no grant funding directly from the
25 Commonwealth.

26 (d) Training.--To assure compliance with this Rule by
27 Senators and Senate employees, appropriate training measures
28 shall be implemented by the Senate. Training shall be provided
29 annually for all Senators and Senate employees.

30 (e) Definitions.--As used in this Rule, the following words

1 and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Affiliated." Serving:

- 4 (1) as an officer of a nonprofit entity;
- 5 (2) on the board of directors of a nonprofit entity;
- 6 (3) as a paid employee of a nonprofit entity; or
- 7 (4) as a contractor of a nonprofit entity.

8 "Family member." A spouse or child.

9 "Nonprofit entity." An entity that is qualified by the
10 Internal Revenue Service as meeting the requirements of section
11 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514,
12 26 U.S.C. § 501(c)).

13 Rule 38. Temporary emergency Rules of the Senate.

14 (a) continuity of legislative operations.--In order to
15 maintain the continuity of the legislative operations of the
16 Senate and protect the health, safety and welfare of the
17 residents of the Commonwealth, based on the declaration of
18 disaster emergency issued by the Governor on March 6, 2020, the
19 effect of which makes the convening of some or all of the
20 members of the Senate as a body in the Senate chamber of the
21 Capitol Building or at a single location imprudent, inexpedient
22 or impossible, the following apply:

23 (1) Notwithstanding Rules 6 and 7 the following apply:

24 (i) In the absence of the Secretary-Parliamentarian
25 and the Chief Clerk and subject to the direction of the
26 President Pro Tempore, the Assistant Secretary shall
27 attest all writs, warrants and subpoenas issued by order
28 of the Senate and shall certify as to the passage of
29 Senate bills and the approval of executive nominations.

30 (ii) In the absence of both officers and the

1 Assistant Secretary, the President Pro Tempore shall
2 designate a signatory.

3 (2) Notwithstanding Rule 9, there shall be no guest
4 introductions.

5 (3) Notwithstanding Rule 14(h), members may remotely
6 participate in committee meetings as follows:

7 (i) A quorum shall be established through a roll
8 call.

9 (ii) Technology employed for remote committee
10 meetings must safeguard the integrity of the legislative
11 process and maintain the deliberative character of the
12 meeting by providing for simultaneous aural and verbal
13 communication among all participants.

14 (4) Notwithstanding Rule 14, the following apply:

15 (i) The President Pro Tempore may appoint a Senator
16 to serve in a temporary capacity as a member of a
17 committee, serving only for the duration of a single
18 session day for a particular committee meeting.

19 (ii) The President Pro Tempore shall transmit this
20 designation to the Secretary-Parliamentarian for
21 retention during the two-year legislative session, and
22 this record shall be available for public inspection upon
23 request.

24 (iii) The communication shall be read across the
25 desk and printed in the Senate Journal on the next
26 legislative day of the Senate.

27 (5) In addition to the provisions of Rule 14, the
28 following apply:

29 (i) Regulations shall be deposited with the
30 Legislative Reference Bureau.

1 (ii) The bureau shall transmit the regulations to
2 the appropriate committee for consideration within 24
3 hours.

4 (iii) The bureau shall transmit notice of the
5 transmission of the regulations to the Secretary-
6 Parliamentarian.

7 (iv) The time for consideration shall begin on the
8 date the committee receives the regulations from the
9 bureau.

10 (6) In addition to the provisions of Rule 17, the
11 following apply:

12 (i) Members participating remotely may cast votes
13 for all measures considered and brought to a vote by the
14 committee, as if the members were physically present at
15 the committee meeting.

16 (ii) The identity of the voting member must be
17 verified by the Chair.

18 (iii) A member may also vote on matters before the
19 committee pursuant to Rule 16(3).

20 (7) Notwithstanding Rule 20, members may remotely
21 participate in the session of the Senate as follows:

22 (i) Members participating remotely may cast votes
23 for all measures considered and brought to a vote during
24 session, as if the members were physically present at the
25 session of the Senate.

26 (ii) The identity of the voting member must be
27 verified by the presiding officer.

28 (iii) Technology employed for remote participation
29 in Senate session must safeguard the integrity of the
30 legislative process and maintain the deliberative

1 character of the session by providing for simultaneous
2 aural and verbal communication among all participants.

3 (iv) A member may also vote as provided in Rule
4 20(b)(1) and (2).

5 (8) Notwithstanding Rule 23, the Chief Clerk may provide
6 for remote participation technology that enables members to
7 participate in committee meetings and Senate session.

8 (9) Notwithstanding Rule 27, the following apply:

9 (i) Senators participating remotely in the session
10 of the Senate shall be counted for the purpose of
11 determining a quorum.

12 (ii) A quorum shall be established through a roll
13 call if the identity of the voting member is identified
14 by the presiding officer.

15 (10) This rule shall expire march 31, 2021, or 10 days
16 following the expiration of the emergency declaration,
17 whichever is earlier, unless otherwise further extended in
18 accordance with the Rules of the Senate.

19 (b) Definitions.--As used in this Rule, the following words
20 and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Remote participation." Simultaneous, interactive
23 participation in a committee meeting by committee members not
24 physically present at the location of the meeting, through means
25 of communication technologies designed to accommodate and
26 facilitate such simultaneous, interactive participation.