

**(House Resolution 1, adopted January 3, 2017)**

**A RESOLUTION**

Adopting permanent rules for the House of Representatives, further providing for general appropriation bills and non-preferred bills, for consideration of bills, for standing committees and subcommittees, for organization of standing committees and subcommittees, for powers and duties of standing committees and subcommittees, for ethics committee, for status of members indicted or convicted of a crime, for investigations and for ethical rules definitions and conduct; and providing for committee on ethics.

RESOLVED, That the Permanent Rules of the House of Representatives (2015-2016) be adopted as the Permanent Rules of the House of Representatives for the 2017-2018 session of the House of Representatives with the following amendments to the heading and to Rules 19(b), 21, 43, 44, 45, 47, 47(a), 51, 1E and 2E and the addition of Rule 3E:

**2017-2018**

**GENERAL OPERATING RULES  
OF THE HOUSE OF REPRESENTATIVES**

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The following words and phrases when used in the General Operating Rules of the House of Representatives shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Day" shall mean any calendar day.

"Floor of the House" shall be that area within the Hall of the House between the Speaker's rostrum and the brass rail behind the Members' seats.

"Formal Action" shall mean any vote or motion of a member of a standing committee, standing subcommittee, select committee or rules committee of the House of Representatives to report or not report, amend, consider or table a bill or resolution and the discussion and debate thereof.

"Hall of the House" shall be the floor space within its four walls and does not include the adjoining conference rooms, the lobbies or the upper gallery of the House.

"Legislative Day" shall mean any day that the House shall be in session.

"Press Gallery" shall be within that area known as the Hall of the House as designated by the Speaker.

"Roll Call Vote" shall be a vote taken and displayed by and on the electric roll call board or in the event of a malfunction of the electric roll call board, by such method as shall be determined by the Speaker.

## **RULE 1**

### **SPEAKER PRESIDING**

The Speaker shall preside over the sessions of the House. The Speaker may name a member to preside, but the substitution shall not extend beyond an adjournment. The Speaker may appoint a member as Speaker pro tempore to act in the Speaker's absence for a period not exceeding ten consecutive legislative days.

As presiding officer and in accordance with Article II § 2 of the Constitution of Pennsylvania and the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, within ten days after the occurrence of a vacancy the Speaker shall issue a writ for a special election to be held on a date which shall occur on or before the date of the first primary, municipal or general election which occurs not less than 60 days after the issuance of the writ. The Speaker shall not be required to issue a writ of election if the election cannot be scheduled until after the general election.

In case of failure to make an appointment, the House shall elect a Speaker pro tempore to act during the absence of the Speaker.

The Speaker pro tempore shall perform all the duties of the Chair during the absence of the Speaker.

## **RULE 1 (A)**

### **EQUAL OPPORTUNITY OFFICER AND ADVISORY COMMITTEE**

The Speaker shall designate an Equal Opportunity Officer who shall report to the Speaker. There shall be an Equal Opportunity Advisory Committee, appointed by the Speaker in consultation with the Majority Leader and Minority Leader, to assist the Equal Opportunity Officer in developing, recommending and implementing equal opportunity employment and procurement policies in the House of Representatives.

## **RULE 2**

### **TAKING THE CHAIR**

The Speaker shall take the Chair and call the members to order on every legislative day at the hour to which the House adjourned at the last sitting. On the appearance of a quorum, the Speaker shall proceed to the regular order of business as prescribed by the rules of the House.

### **RULE 3**

## **ORDER AND DECORUM**

The Speaker or Presiding Officer shall preserve order and decorum. In case of any disturbance or disorderly conduct in the galleries or lobbies, the Speaker shall have the power to order the same to be cleared.

The Speaker or Presiding Officer shall have the right to summon Legislative Security Officers to enforce in the preservation of order and decorum, and if needed, to summon the State Police to assist.

The Sergeant-at-Arms and Legislative Security Officers under the direction of the Speaker or the Presiding Officer shall, while the House is in session, maintain order on the floor and its adjoining rooms and shall enforce the rule with respect to the conduct of members, staff and visitors.

### **RULE 4**

## **QUESTIONS OF ORDER**

The Speaker shall decide all questions of order subject to an appeal by two members. The decision of the Speaker shall stand as the decision of the House unless so appealed and overturned by a majority of the members elected to the House. The Speaker may, in the first instance, submit the question to the House. Questions involving the constitutionality of any matters shall be decided by the House. On questions of order there shall be no debate except on an appeal from the decision of the Speaker or on reference of a question to the House. In either case, no member shall speak more than once except by leave of the House.

Unless germane to the appeal, a second point of order is not in order while an appeal is pending; but, when the appeal is disposed of, a second point of order is in order and is subject to appeal.

### **RULE 5**

## **CONFERENCE AND SELECT COMMITTEE APPOINTMENTS**

All Committees of Conference shall be appointed by the Speaker and shall be composed of three members, two of whom shall be selected from the majority party and one from the minority party.

The Speaker shall appoint the members of select committees, unless otherwise ordered by the House.

### **RULE 6**

## **SIGNATURE OF THE SPEAKER**

The Speaker shall, in the presence of the House, sign all bills and joint resolutions passed by the General Assembly after their titles have been publicly read immediately before signing, and the fact of signing shall be

entered on the Journal.

Resolutions, addresses, orders, writs, warrants and subpoenas issued by order of the House shall be signed by the Speaker and attested by the Chief Clerk.

## **RULE 7**

### **OATH TO EMPLOYEES**

The Chief Clerk shall administer an oath or affirmation to the employees of the House that they will severally support, obey and defend the Constitution of the United States and the Constitution of Pennsylvania, and that they will discharge the duties of their offices with fidelity.

Each employee of the House, after taking the oath of office, shall sign the Oath Book in the presence of the Chief Clerk.

## **RULE 8**

### **SUPERVISION OF HALL OF THE HOUSE AND COMMITTEE ROOMS**

Subject to the direction of the Speaker, the Chief Clerk shall have supervision and control over the Hall of the House, the caucus and committee rooms and all other rooms assigned to the House.

During the sessions of the Legislature the Hall of the House shall not be used for public or private business other than legislative matters except by consent of the House. During periods of recess of the House such use may be authorized by the Speaker without the consent of the House.

## **RULE 9**

### **DECORUM**

While the Speaker is putting a question or addressing the House and during debate or voting, no member shall disturb another by talking or walking up and down or crossing the floor of the House.

## **RULE 9 (A)**

### **SMOKING**

No smoking of cigarettes, cigars, pipes and other tobacco products shall be allowed in the Hall of the House nor in any interior area of the Capitol Complex under the control of the House of Representatives.

## **RULE 10**

### **DEBATE**

When a member desires to address the House, the member shall rise and respectfully address the Speaker. Upon being recognized, the member may speak, and shall be confined to the question under consideration and avoiding personal reflections.

When two or more members rise at the same time and ask for recognition, the Speaker shall designate the member who is entitled to the floor.

No member, except the Majority and Minority Leaders, may speak more than twice on any question, without the consent of the House.

With the unanimous consent of the House a member may make a statement not exceeding ten minutes in length concerning a subject or matter not pending before the House for consideration, providing the Majority and Minority Leaders have agreed on a time the member is to ask for recognition.

## **RULE 11**

### **INTERRUPTION OF A MEMBER WHO HAS THE FLOOR**

A member who has the floor may not be interrupted, except for questions of order, by a motion to extend session or by a motion for the previous question.

A member may yield the floor for questions related to the subject before the House.

## **RULE 12**

### **PERSONAL PRIVILEGE**

Any member may by leave of the Speaker rise and explain a matter personal to the member, but the member shall not discuss a pending question in the explanation. Questions of personal privilege shall be limited to questions affecting the rights, reputation and conduct of members of the House in their respective capacity.

## **RULE 13**

### **TRANSGRESSION OF HOUSE RULES**

If any member in speaking or otherwise transgresses the Rules of the House, the Speaker or any member through the Speaker shall call the member to order, in which case the member shall immediately sit down unless permitted by the House to explain.

The House upon appeal shall decide the case without debate. If the decision is in favor of the member, the



member may proceed. If the case requires it, the member shall be liable to censure or other punishment as the House deems proper.

## **RULE 14**

### **MEMBERS' AND EMPLOYEES' EXPENSES**

A member who attends a duly called meeting of a standing or special committee of which he or she is a member when the House is not in session or who is summoned to the State Capitol or elsewhere by the Speaker, or the Majority or Minority Leader of the House, to perform legislative services when the House is not in session shall be reimbursed per day for each day of service, plus mileage to and from the member's residence, at such rates as are established from time to time by the Committee on Rules but not in excess of the applicable maximum mileage rate authorized by the Federal Government. For travel to any location for committee meetings or for travel to the State Capitol for any reason, members cannot receive reimbursement in excess of the applicable maximum per diem rate authorized by the Federal Government. These expenses shall be paid by the Chief Clerk from appropriation accounts under the Chief Clerk's exclusive control and jurisdiction, upon a written request approved by the Speaker of the House, or the Majority or the Minority Leader of the House.

An employee of the House summoned by the Speaker or the Majority or Minority Leader of the House to perform legislative services outside of Harrisburg shall be reimbursed for actual expenses and mileage to and from the employee's residence. Such expenses may be paid by the Speaker, Majority or Minority Leader, if they agree to do so, or shall be paid by the Chief Clerk from appropriation accounts under the Chief Clerk's exclusive control and jurisdiction, upon a written request approved by the Speaker, or the Majority or the Minority Leader. District office employees are only permitted to be reimbursed from an account under the control of the Chief Clerk when traveling to Harrisburg for a training program sponsored by either caucus or for travel to a legislative conference approved by the Speaker, the Majority Leader or the Minority Leader. All other travel by district office employees may be reimbursed from the member's accountable expenses or an account under the control of the Speaker, the Majority Leader or the Minority Leader.

Members and employees traveling outside the Commonwealth of Pennsylvania who receive any reimbursement for expenses or travel which reimbursement is from public funds shall file with the Chief Clerk a statement containing his or her name and the name, place, date and the purpose of the function.

Money appropriated specifically to and allocated under a specific symbol number for allowable expenses of members of the House of Representatives shall be reimbursed to each member upon submission of vouchers and any required documentation by each member on forms prepared by the Chief Clerk of the House. No

reimbursement shall be made from this account where a member is directly reimbursed for the same purpose from any other appropriation account.

Such allowable expenses of members may be used for any legislative purpose or function, including but not limited to the following:

(1) Travel expense on legislative business.

(a) Mileage on session or nonsession days at a rate as may be approved from time to time by the Committee on Rules, but not in excess of the maximum mileage rate authorized by the Federal Government for travel; voucher only.

(b) Miscellaneous transportation on legislative business (taxi, airport limousine parking, tolls), and expenses of a similar nature; voucher only for any single expense not in excess of \$10.

(c) Travel on legislative business by common carrier other than taxi and airport limousine; voucher and receipt from common carrier.

(d) Car rental; voucher and receipt from rental agency but reimbursement not to exceed in any month an amount as may be approved from time to time by the Committee on Rules. Any amount in excess of the said amount shall be paid by the person renting the car. In no event shall other than American manufactured cars be rented.

(e) Lodging, restaurant charges and other miscellaneous and incidental expenses while away from home. Vouchers only for per diem allowance approved from time to time by the Committee on Rules, but not in excess of the applicable maximum per diem rate authorized by the Federal Government or for actual expenses not in excess of such per diem rate.

(2) Administrative, clerical and professional services for legislative business, except for employment of spouses or any relatives, by blood or marriage.

(a) Administrative and clerical services; voucher and receipt from person employed.

(b) Professional services; voucher and receipt and copy of agreement or contract of employment.

(3) Rent for legislative office space; purchase of office supplies; postage; telephone and answering services; printing services and rental only of office equipment; voucher and vendor's receipt, except for postage expense.

(4) Official entertainment—restaurant and beverage charges; voucher only for expenses. Receipts for entertainment expenses, together with a statement of the reason for the expense, shall be submitted with the request for reimbursement.

(5) Purchase of flags, plaques, publications, photographic services, books, and other similar items in connection with legislative activities; voucher and vendor's receipt.

(6) Communications and donations in extending congratulations or sympathy of illness or death; voucher only on expenses not in excess of \$35.

No money appropriated for members' and employees' expenses shall be used for contributions to political parties or their affiliated organizations.

No money appropriated for members' and employees' expenses shall be used for contributions to charitable organizations or for charitable advertisements. This paragraph shall not prevent a de minimis use of legislative resources, in connection with legislative activities, to benefit a bona fide charitable organization that serves a member's district.

Members and employees shall not request reimbursement for the private lease of vehicles leased on a long-term basis. No payments will be made with respect to private, long-term lease vehicle expenses incurred by members or employees except with respect to private, long-term lease arrangements entered into by a member prior to March 13, 2007, payments for which will be made in accord with the rules in place on March 12, 2007. The Chief Clerk is authorized to enter into a master lease agreement with the Department of General Services for the long-term lease of automobiles.

All disbursements made, debts incurred or advancements paid from any appropriation account made to the House or to a member or nonmember officer under a General Appropriation Act or any other appropriation act shall be recorded in a monthly report and filed with the Chief Clerk by the person authorized to make such disbursement, incur any debt or receive any advancement on a form prescribed by the Chief Clerk.

The Chief Clerk shall prescribe the form of all such reports and make such forms available to those persons required to file such reports. Such report form shall include:

(1) As to personnel:

(a) The name, home address, job title, brief description of duties and where they are performed, department or member or members to whom assigned, the name of immediate supervisor and minimum hours of employment per week of each employee.

(b) The appropriation account from which such employee is compensated, the amount of compensation and whether such person is on salary, per diem or contract.

(2) As to all other expenditures:

(a) To whom it was paid, the amount thereof, and the nature of the goods, services or other purpose

for which the expenditure was made.

(b) The appropriation account from which the expenditure was made and the name or names of the person or persons requesting and/or authorizing the same.

The reporting requirements as to personnel may be fulfilled by the maintenance in the Office of the Chief Clerk of the House of an alphabetized file containing the current information for each employee as set forth above.

All monthly reports filed on disbursements made or debts incurred by any officer or member or employee from appropriations made to the House or to a member or nonmember officer under any General Appropriation Act, and the documentation for each disbursement, shall be public information and shall be available in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

All vouchers and requisitions relating to all expenditures, expenses, disbursements and other obligations out of all appropriated funds of the House, and the documentation evidencing payment of the vouchers and requisitions, shall be available in accordance with the Right-to-Know Law.

All requests for reimbursement out of any appropriation shall be accompanied by a voucher, or other documents where required, evidencing payment or approval. All requests for reimbursement out of any appropriation payable to a member, nonmember officer or employee shall be void if not submitted within 60 days of the date that the otherwise allowable expense is incurred for any and all otherwise allowable expenses, including without limitation, per diem, mileage and actual expenses incurred. Any such void request for reimbursement may not be paid except pursuant to a motion to suspend this rule for good cause specific to the voided request for reimbursement. In no event shall any payment or reimbursement be made for any otherwise allowable expense incurred on or before March 12, 2007. The voucher form shall be approved and supplied by the Chief Clerk. Receipts or documentation of every expenditure or disbursement which is in excess of the maximum amount as set forth herein shall be attached to the voucher. Where a request for payment is made in advance of an expense actually incurred, the Chief Clerk, before making such advance payment shall require a description satisfactory to the Chief Clerk of the item or service to be purchased or the expense to be incurred, and a receipt or other documentation shall be given to the Chief Clerk after the item or service has been purchased or expense incurred as evidence that such advancement was in fact expended for such purpose.

All reports, vouchers and receipts from which reports are prepared and filed shall be retained by the Chief Clerk, officer or member, as the case may be, for such period of time as may be necessary to enable the Legislative Audit Advisory Commission created pursuant to the act of June 30, 1970 (P.L.442, No.151), entitled

"An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission," to conduct, through certified public accountants appointed by it, annual audits to assure that such disbursements made or debts incurred were in accordance with Legislative Audit Advisory Commission guidelines and standards as approved by the Committee on Rules, or for a minimum of three years, whichever is longer. All annual audit reports shall be available for public inspection. Photocopies of such reports shall be available for a fee established by the Chief Clerk not to exceed the cost of duplication.

Except as specifically prohibited by law or limited by this rule, all expenditures of funds appropriated to the House or to a member or nonmember officer shall be subject to the expenditure guidelines established by the Rules Committee. The Rules Committee shall establish standards regarding documentation evidencing payment out of any appropriations account made to the House or to a member or nonmember officer.

The Bipartisan Management Committee shall receive and review suggestions from the Comptroller on ways to reduce costs and improve the fiscal operations of the House. The Comptroller, following authorization by the Bipartisan Management Committee, shall implement cost-reducing and other new measures to improve the fiscal operations of the House.

## **RULE 14 (A)**

### **EMPLOYEE PAYROLL INFORMATION**

In accordance with the act of January 10, 1968 (1967 P.L.925, No.417), referred to as the Legislative Officers and Employes Law, the Chief Clerk shall compile, annually, on or prior to the first day of February of each year, a complete list of employees of the House of Representatives. The list shall include the full name, job title, work address and name of immediate supervisor of every employee of the House of Representatives and shall include such information for every person employed for any period of time during the preceding 12 months. In addition to the information required under the Legislative Officers and Employes Law, the list shall include the payroll wage information for those House employees paid during the preceding calendar year. The list shall be available for public inspection in the Office of the Chief Clerk during regular business hours.

## **RULE 14 (B)**

### **ELECTRONIC AVAILABILITY OF REPORTS**

In addition to the other methods of availability under Rule 14, all expense reports existing in electronic form shall be provided electronically by the Chief Clerk upon request.

## **RULE 15**

### **TIME OF MEETING**

The House shall convene on the first legislative day of the week at 1:00 P.M. prevailing time, unless otherwise ordered by a roll call vote of the majority of those elected to the House.

On other days the House shall convene at the discretion of the House. No session of the House may begin before 8:00 A.M. nor may any roll call votes be taken after 11:00 P.M. unless exigent circumstances exist, as determined by an affirmative vote of three-fourths of the members elected to the House, by a roll call vote on a motion to extend session. A motion to extend session may be made to extend session generally or to conclude business on a specific question or questions. If a motion to extend session is made prior to 10:15 P.M. and a roll call vote has not been ordered, the arrival of 10:45 P.M. shall put an end to all debate and shall bring the House to an immediate roll call vote on the question to extend session. Nothing in this rule shall prevent the House from conducting administrative matters, including the making of announcements regarding the House schedule for the benefit of members or in order to comply with 65 Pa.C.S. § 709 (relating to public notice) after 11:00 P.M. Upon the Speaker's determination that all administrative matters are concluded, the Speaker shall adjourn the House.

## **RULE 16**

### **QUORUM**

A majority of the members shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. (Constitution, Article II, Section 10).

When less than a quorum vote on any question, the Speaker shall forthwith order the doors of the House closed and the names of the members present shall be recorded. If it is ascertained a quorum is present, either by answering to their names or by their presence in the House, the Speaker shall again order the yeas and nays. If any member present refuses to vote, refusal shall be deemed a contempt. Unless purged, the House may order the Sergeant-at-Arms to remove the member or members without the bar of the House. All privileges of membership shall be refused the member or members so offending until the contempt is purged.

# **RULE 17**

## **ORDER OF BUSINESS**

The daily order of business shall be:

- (1) Prayer by the Chaplain.
- (2) Pledge of Allegiance.
- (3) Correction and approval of the Journal.
- (4) Leaves of absence.
- (5) Master Roll Call.
- (6) Reports of Committee.
- (7) First consideration bills.
- (8) Second consideration bills.
- (9) Third consideration bills, final passage bills (including both third consideration and final passage postponed bills) and resolutions.
- (10) Final passage bills recalled from the Governor.
- (11) Messages from the Senate and communications from the Governor.
- (12) Reference to appropriate committees of bills, resolutions, petitions, memorials, remonstrances and other papers.
- (13) Unfinished business on the Speaker's table.
- (14) Announcements.
- (15) Adjournment.

The Chaplain offering the prayer shall be a member of a regularly established church or religious organization or shall be a member of the House of Representatives.

Any question may, by a majority vote of the members elected, be made a special order of business. When the time arrives for its consideration, the Speaker shall lay the special order of business before the House.

In lieu of offering House Resolutions on topics of importance to members, any member, without unanimous consent, may address the House on such issue and have his or her remarks entered into the record during a special period of time established each week by the Speaker at the conclusion of House business on a specific day.

## **RULE 18**

### **INTRODUCTION AND PRINTING OF BILLS**

Bills shall be introduced in quadruplicate, signed and dated by each member who is a sponsor of the bill, and filed with the Chief Clerk on any day that the offices of the House of Representatives are open for business. A sponsor may be added or withdrawn, but in the case of withdrawals, the names shall be withdrawn if and when the bill is reprinted.

Bills introduced when received at the Chief Clerk's desk shall be numbered consecutively and delivered to the Speaker, who shall refer each bill to an appropriate committee on any day whether or not the House is in session. If the resolution creating a select committee authorizes the referral of bills to that committee, the Speaker may refer bills, within the scope of the resolution, to such select committee. Insofar as applicable, the select committee shall consider and report bills in accordance with the rules governing the consideration and reporting of bills by standing committees. The Speaker shall report to the House the committees to which bills have been referred, either on the day introduced or received or on the next two legislative days the House is in session, unless the House is in recess for more than four consecutive days in which case the Speaker shall provide a list to the Majority Leader and the Minority Leader, within two calendar days, of all bills which were referred during such period when the House was not in session.

If the Speaker neglects or refuses to refer to committee any bill or bills (whether House or Senate) as above after introduction or presentation by the Senate for concurrence, any member may move for the reference of the bill to an appropriate committee. If the motion is carried, said bill or bills shall be immediately surrendered by the Speaker to the committee designated in said motion.

The first copy of each bill introduced shall be for the committee, the second copy shall be for the printer, the third copy shall be for the news media and the fourth copy shall be for the Legislative Reference Bureau.

Every bill, after introduction and reference to committee, shall be printed and shall also be posted on the Internet with the hyperlink to the web page for the members of the House of Representatives.

Bills may not be withdrawn after reference to committee.

## **RULE 19**

### **BILLS REFERRED TO COMMITTEES**

No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom. (Constitution, Article III, Section 2).



## **RULE 19 (A)**

### **FISCAL NOTES**

(1) No bill, except a General Appropriation bill or any amendments thereto, which may require an expenditure of Commonwealth funds or funds of any political subdivision or which may entail a loss of revenues overall, or to any separately established fund shall be given third consideration reading on the calendar until it has first been referred to the Appropriations Committee for a fiscal note, provided however that the Rules Committee may by an affirmative vote of three-quarters of the entire membership to which such committee is entitled:

(a) Waive the recommittal to the Appropriations Committee and provide that the fiscal note be attached to the bill while on the active calendar. The providing of such note shall be a priority item for the Appropriations Committee; or

(b) Waive the necessity of a fiscal note on any bill which it deems to have a de minimis fiscal impact or which merely authorizes, rather than mandates, an increase in expenditures or an action that would result in a loss of revenue.

(2) Nothing herein shall preclude any member from moving, at the proper time, the recommittal of any bill to the Appropriations Committee for a fiscal note.

(3) The Appropriations Committee shall be limited in its consideration of any such bill which has received second consideration to the fiscal aspects of the bill and shall not consider the substantive merits of the bill nor refuse to report any such bill from committee for reasons other than fiscal aspects. The fiscal note shall accompany the bill and provide the following information in connection with the Commonwealth and its political subdivisions:

(a) The designation of the fund out of which the appropriation providing for expenditures under the bill shall be made;

(b) The probable cost of the bill for the fiscal year of its enactment;

(c) A projected cost estimate of the program for each of the five succeeding fiscal years;

(d) The fiscal history of the program for which expenditures are to be made;

(e) The probable loss of revenue from the bill for the fiscal year of its enactment;

(f) A projected loss of revenue estimate from the bill for each of the five succeeding fiscal years;

(g) The line item, if any, of the General Fund, special fund or other account out of which expenditures or losses of Commonwealth funds shall occur as a result of the bill;

(h) The recommendation, if any, of the Appropriations Committee and the reasons therefor relative to the passage or defeat of the bill; and

(i) A reference to the source of the data from which the foregoing fiscal information was obtained, and an explanation of the basis upon which it is computed.

(4) No bill which may result in an increase in the expenditure of Commonwealth funds shall be given third consideration reading on the calendar until the Appropriations Committee has certified that provision has been made to appropriate funds equal to such increased expenditure. Whenever the Appropriations Committee cannot so certify, the bill shall be returned to the committee from which it was last reported for further consideration and/or amendment.

(5) No amendment to a bill, concurrences in Senate amendments, or adoption of a conference report which may result in an increase in the expenditure of Commonwealth funds or those of a political subdivision or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed changes nor any bill requiring a fiscal note for which re-referral to the Appropriations Committee has been waived by the Rules Committee shall be voted upon until a fiscal note is available for distribution to the members with respect to such changes or to such bill showing the fiscal effect of the changes with respect to the bill, and containing the information set forth by subsection (3) of this rule.

(6) When an amendment or certificate is timely filed with the amendment clerk under Rule 21, the amendment or certificate shall be forwarded to the Appropriations Committee. Upon receipt of an amendment, the Appropriations Committee shall automatically prepare a fiscal note.

(7) In obtaining the information required by these rules, the Appropriations Committee may utilize the services of the Office of the Budget and any other State agency as may be necessary.

(8) Any bill proposing any change relative to the retirement system of the Commonwealth or any political subdivision thereof, funded in whole or in part out of the public funds of the Commonwealth or any political subdivision, shall have attached to it an actuarial note. Except for the provisions pertaining to the content of fiscal notes as set forth in paragraphs (a) through (i) of subsection (3), all the provisions pertaining to and procedures required of bills containing fiscal notes, shall, where applicable, also be required for bills containing actuarial note. The actuarial note shall contain a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change in any such retirement system.

## **RULE 19 (B)**

### **GENERAL APPROPRIATION BILL AND NON-PREFERRED BILLS**

This rule shall apply to all amendments offered to the General Appropriation Bill for each proposed fiscal year including any amendments offered to or for supplemental appropriations to prior fiscal years contained within the General Appropriation Bill, and shall also apply to all amendments offered to any non-preferred appropriation bill for the same fiscal year.

Any amendment offered on the floor of the House to the General Appropriation Bill that proposes to increase spending of State dollars for the Commonwealth's proposed fiscal year or prior fiscal years above the levels contained in the General Appropriation Bill as reported from the Appropriations Committee plus any aggregate if certified each year by the Appropriations Committee shall not be in order and may not be considered unless the same amendment contains sufficient reductions in line items of that General Appropriation Bill so that the amendment offered does not result in a net increase in the total proposed spending contained within the General Appropriation Bill plus any aggregate if certified by the Appropriations Committee.

Any amendment offered on the floor of the House to any non-preferred appropriation bill that proposes to increase spending of State dollars for the proposed fiscal year above the levels contained in that non-preferred appropriation bill as reported from the Appropriations Committee shall not be in order and may not be considered unless the same amendment contains sufficient reductions in that non-preferred appropriation bill so that the amendment offered does not result in a net increase in the total proposed spending contained within that non-preferred appropriation bill.

Members shall be notified of the scheduled vote on the General Appropriation Bill no later than 4:30 P.M. of the day that is nine days prior to the scheduled vote of the General Appropriation Bill. In order to be considered, amendments to the General Appropriation Bill must be submitted to the Office of the Chief Clerk by 2:00 P.M. of the day that is four days prior to the scheduled vote of the General Appropriation Bill. The Appropriations Committee for special and proper reason and by majority vote, may waive this deadline. Rule 21 of the Rules of the House, insofar as it applies to the filing deadline for amendments and notice requirements for the voting schedule for the General Appropriation Bill, shall not apply to this rule. Rule 21 shall, however, apply to the non-preferred appropriation bills.

If the amendment cannot be submitted in accordance with the provision of the previous paragraph because it is still being prepared by the Legislative Reference Bureau, the member must, by 2:00 P.M. on the day that is

four days prior to the scheduled vote, provide the Office of the Chief Clerk with a statement, prepared by the member containing the factual content and exact amounts of increases and decreases in line items which would be proposed in the amendment, along with certification from the Legislative Reference Bureau that the amendment was submitted to the Legislative Reference Bureau prior to the above-noted 2:00 P.M. deadline. This filing deadline does not apply to amendments to any non-preferred appropriation bill.

Debate on any debatable question related to the General Appropriation Bill or a nonpreferred appropriation bill shall be limited to five minutes each time a member is recognized. On the bill a sponsor of an amendment shall be entitled to be recognized twice, a maker of a debatable motion shall be entitled to be recognized twice, any other members shall be entitled to be recognized once. Unless the chair or minority chair of the Appropriations Committee objects to the determination that a bill implements the General Appropriation Bill, bills implementing the General Appropriation Bill shall be subject to the limits of this paragraph.

## **RULE 20**

### **BILLS CONFINED TO ONE SUBJECT**

No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. (Constitution, Article III, Section 3).

## **RULE 21**

### **CONSIDERATION OF BILLS**

(a) Every bill and every joint resolution shall be considered on three different days. All amendments made thereto shall be printed for the use of the members before the final vote is taken thereon, and before the final vote is taken, upon written request addressed to the presiding officer by at least 25% of the members elected to the House, any bill shall be read at length. No bill shall become law and no joint resolution adopted unless, on its final passage, the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the Journal, and a majority of the members elected to the House is recorded thereon as voting in its favor. (Constitution, Article III, Section 4).

(b) Members shall be notified of bills and resolutions scheduled to be voted no later than prior to the close of business at 4:30 P.M. of the second legislative day prior to the date of second consideration for legislation that has no legal deadline. (The General Appropriation Act and non-preferred bills are included within the definition of legislation that has no legal deadline.) Except as provided in subsection (d), all amendments shall

be submitted to the Office of the Chief Clerk by 2:00 P.M. of the last legislative day preceding the scheduled date of second consideration. Members shall be notified of bills scheduled to be voted on third consideration. A change in the printer's number as a result of third consideration shall not require an additional notice of final passage. No vote on final passage can occur before the date of the scheduled vote.

(c) If the amendment cannot be submitted in accordance with the above paragraph because it is still being prepared by the Legislative Reference Bureau, the member must provide the Office of the Chief Clerk with a statement, by the above-noted 2:00 P.M. deadline, prepared by the member containing the factual content of said amendment along with certification from the Legislative Reference Bureau that the amendment was submitted to the Legislative Reference Bureau for drafting prior to the above-noted 2:00 P.M. deadline.

(d) In cases where an amendment alters a bill so as to effectively rule out of order an amendment which was timely filed pursuant to the provisions of this rule, a replacement amendment may be submitted to the Office of the Chief Clerk provided that the subject matter of the replacement amendment is not substantially different from the intent of the original amendment. The replacement amendment shall be deemed to have met the timely filed conditions provided for in this rule. The member shall notify the Speaker of the member's intent to file a replacement amendment and shall file a certificate with the Office of the Chief Clerk. The bill in question may continue to receive consideration but shall not be moved to third consideration until the replacement amendment is available for a vote. If consideration of the bill is delayed to a new legislative day due solely to delay in receipt of replacement amendments, then only amendments timely filed for the date of the originally scheduled vote and replacement amendments shall be considered. This limitation on amendments shall not apply to the bill in question if consideration of the bill is rescheduled beyond the new legislative day.

(e) A bill may not receive action on concurrence until at least six hours have elapsed from the time the bill and its amendatory language was available to the public, unless the amendment was a technical amendment as described under the first paragraph of Rule 24 or an affirmative vote of 2/3 of the members elected to the House indicates they have had sufficient time to review the language and thereby approve proceeding with the bill.

A brief description of every bill on concurrence shall be given prior to a vote. Additionally, members shall be notified and conference committee reports shall be available to members at least 24 hours prior to the adoption of all conference committee reports. When these reports are considered on the first legislative day of the week, said notice shall be provided no later than the close of business on the last business day preceding the vote. Notwithstanding notice provided, members may, by an affirmative vote of 2/3 of the members elected to the House, indicate that they have had sufficient time to review a conference committee report and that they

approve proceeding with a vote.

## **RULE 22**

### **FIRST CONSIDERATION BILLS**

Bills reported from committees shall be considered for the first time when reported and shall then be automatically removed from the calendar and laid on the table, except House bills reported from committees after the first Monday in June until the first Monday in September which shall then be automatically recommitted to the Committee on Rules. Except as otherwise provided, the Rules Committee shall not in any instance have the power to amend a bill which has been reported by another committee.

After the first Monday in September, any bill which was automatically recommitted to the Committee on Rules pursuant to this rule shall automatically be re-reported to the floor of the House and laid on the table.

Any bill which was automatically laid on the table pursuant to this rule and has remained on the table for 15 legislative days shall automatically be removed from the table and returned to the calendar for second consideration the next legislative day.

Any bill which was automatically laid on the table pursuant to this rule may be removed from the table by motion of the Majority Leader, or a designee, acting on a report of the Committee on Rules. Such report shall be in writing and a copy thereof distributed to each member. Any bill so removed from the table shall be placed on the second consideration calendar on the legislative day following such removal. Nothing herein shall affect the right of any member to make a motion to remove a bill from the table.

Amendments shall not be proposed, nor is any other motion in order on first consideration.

Bills shall not be considered beyond first consideration until the latest print thereof is on the desks of the members.

Any noncontroversial bill, which is defined as any bill, other than an appropriations bill, approved by a committee with no negative votes or abstentions, and with the approval of the Majority Leader and the Minority Leader, shall be placed on an uncontested calendar. Bills on the uncontested calendar shall be voted upon by a single roll-call vote. Each bill listed on the uncontested calendar will be printed separately in the journal with the vote recorded on the approval of the uncontested calendar as the vote on final passage of each bill contained therein.

If any member should object to the placement of a bill on the uncontested calendar, the bill shall be automatically removed from the uncontested calendar and placed on the regular calendar the next legislative day.

## **RULE 23**

### **SECOND CONSIDERATION BILLS**

Bills on second consideration shall be considered in their calendar order and shall be subject to amendment. No House bill on second consideration shall be considered until called up by a member.

## **RULE 24**

### **THIRD CONSIDERATION AND FINAL PASSAGE BILLS**

Bills on third consideration shall be considered in their calendar order and shall be subject to amendment only when an amendment is necessary to make the document internally consistent, to clear up an ambiguity, to correct grammar or to correct a drafting error or is necessary for purposes of statutory construction. An amendment under this paragraph shall not be subject to the filing deadlines under Rule 21. A bill having received consideration by the House on three different days and having been agreed to may be called by the Speaker to receive action on final passage; however, a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill and its amendatory language was available to the public, unless the amendment was a technical amendment permitted under the first paragraph of this rule or an affirmative vote of 2/3 of the members elected to the House indicates that they have had sufficient time to review the language of the bill and thereby approve proceeding with the bill. Upon being called to receive action on final passage, the title and a brief description of a bill shall be read. A bill on final passage shall not be subject to amendment, but shall be subject to debate. At the conclusion of debate, the Speaker shall then state the question as follows:

"This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provision of the Constitution, the yeas and nays will now be taken."

When more than one bill shall be called for action on final passage at the same time, prior to voting, the title or a brief analysis of each bill shall be read.

The Speaker shall then state the question as follows:

"These bills have been considered on three different days and agreed to and are now on final passage. The question is, shall the bills on the uncontested calendar pass finally? Agreeable to the provision of the Constitution, the yeas and nays will now be taken."

## **RULE 25**

### **DEFEATED BILLS**

When a bill or resolution has been defeated by the House, it shall not be reintroduced, or, except as provided in Rule 26, be reconsidered, nor shall it be in order to consider a similar one, or to act on a Senate bill or resolution of like import, during the same session.

## **RULE 26**

### **RECONSIDERATION**

A motion to reconsider the vote by which a bill, resolution or other matter was passed or defeated shall be made in writing and filed by two members. The motion shall be in order only under the order of business in which the vote proposed to be reconsidered occurred and shall be decided on a roll-call vote by a majority vote. No motion to reconsider shall be in order when the bill, resolution or other matter is no longer in the possession of or is not properly before the House.

A motion to reconsider any such vote must be filed on the same day on which the initial vote was taken or within the succeeding five days in which the House is in session, provided such bill, resolution or other matter is still in the possession of or is properly before the House.

When a motion to reconsider any such vote is filed within the aforesaid time limits, put before the House by the Speaker and decided by the affirmative vote prescribed herein, the question recurs on the bill, resolution or other matter reconsidered.

Where a bill, resolution or other matter has been initially defeated and a motion to reconsider is not timely made, then such bill, resolution or other matter shall carry the status of "defeated finally" and not properly before the House. Therefore, it shall not be in order to entertain a motion to reconsider any such vote.

Where a timely made motion to reconsider is lost, it shall not be in order to again entertain a motion to reconsider any such vote, even though such second motion to reconsider is timely made.

Where a bill, resolution, or other matter has been initially defeated, and a timely made motion to reconsider the vote is lost, or if no motion to reconsider the vote was timely made, then it shall not be in order for the House thereafter to receive or consider a new bill, resolution or other matter embracing therein a subject or purpose basically identical to or of similar import to the subject matter or purpose of the bill, resolution or matter initially defeated.

The vote on a bill or resolution recalled from the Governor may be reconsidered at any time after the bill or



resolution has been returned to the House.

No bill, resolution or other matter may be reconsidered more than twice on the same legislative day.

## **RULE 27**

### **AMENDMENTS**

No bill shall be amended so as to change its original purpose. (Constitution, Article III, Section 1).

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Any member may move to amend a bill or resolution, provided the proposed amendment is germane to the subject. Questions involving whether an amendment is germane to the subject shall be decided by the House.

No amendment to an amendment shall be admitted nor considered.

The sponsor of an amendment shall explain the amendment prior to consideration by the House.

Before consideration, nine typewritten copies of a proposed amendment signed by its sponsor shall be presented to the Speaker, one copy of which shall be delivered to the news media and a printed copy in typewritten form prepared by the Legislative Reference Bureau shall be placed on the desk of each member if the amendment is not available on the Legislative Data Processing floor system.

Amendments adopted or defeated may not be considered again without first reconsidering the vote.

## **RULE 28**

### **BILLS AMENDING EXISTING LAW**

Bills amending existing law shall indicate present language to be omitted by placing it within brackets and new language to be inserted by underscoring. (Constitution, Article III, Section 6).

## **RULE 29**

### **FORM FOR PRINTING AMENDMENTS**

In printing amendments to bills and resolutions, all new matter added shall be in CAPITAL LETTERS, and matter to be eliminated shall be indicated by strike-out type.

In reprinting House bills previously amended by the House and in reprinting Senate bills previously amended by the Senate, but not in Senate bills previously amended by the House, all matters appearing in strike-out type shall be dropped from the new print and all matter appearing in CAPITAL LETTERS shall be reset in lower case Roman type.

## **RULE 30**

### **BILLS AMENDED BY THE SENATE**

When a bill or joint resolution has been amended by the Senate and returned to the House for concurrence, it shall be referred automatically to the Committee on Rules immediately upon the reading of the message from the Senate by the Clerk. The consideration of any bill or joint resolution containing Senate amendments may include the amendment of Senate amendments by the Committee on Rules. The vote on concurring in amendments by the House to bills or joint resolutions amended by the Senate shall not be taken until said bills or joint resolutions have been favorably reported, as committed or as amended, by the Committee on Rules.

When said bill or joint resolution has been favorably reported by the Committee on Rules, either as committed or as amended, said bill or joint resolution shall be placed on the calendar. When acting on bills or joint resolutions amended by the Senate, the bill and the amendments shall be read and the question put on the concurrence in all amendments to the bill since it was last considered by the House.

Any two members may object to the report of any bill or joint resolution containing Senate amendments amended by the Committee on Rules. The objection must be raised prior to the bill or joint resolution being put to a roll call vote. The question shall be decided by a majority vote of the members elected to the House. If the House rejects the report of any such bill or joint resolution, the bill or joint resolution shall be automatically returned to the Committee on Rules as last passed by the Senate.

The House shall not consider any proposed amendment to any amendment made by the Senate to a bill or joint resolution, nor consider any amendment to any amendment made by the Committee on Rules.

A majority vote of the members elected to the House taken by yeas and nays shall be required to concur in amendments made by the Senate, except for appropriations to charitable and educational institutions not under the absolute control of the Commonwealth, where a vote of two-thirds of all the members elected to the House shall be required to concur. (Constitution, Article III, Sections 5 and 30).

Unless the Majority Leader and the Minority Leader shall agree otherwise, the offering of an amendment to Senate amendments in the Committee on Rules shall not be in order until at least one hour after the filing of a copy of the amendment as prepared by the Legislative Reference Bureau with the office of the Chief Clerk. Upon the filing of such an amendment, the Chief Clerk shall immediately time stamp the amendment and forthwith forward a time-stamped copy of the amendment to the offices of the Majority Leader and the Minority Leader. Except as provided under this subsection, it shall not be in order to suspend or otherwise waive the requirements of this subsection.

## **RULE 31**

### **BILLS VETOED BY THE GOVERNOR**

When the Governor has returned a bill to the House with objections, the veto message shall be read and the House shall proceed to reconsider it. (Constitution, Article IV, Section 15).

## **RULE 32**

### **HOSPITAL AND HOME APPROPRIATIONS OR ACQUIRING LANDS OF THE COMMONWEALTH**

No bills appropriating moneys to State-aided hospitals or State-aided homes shall be introduced in the House, except such as appropriate in single bills the total sum to be appropriated to all of the institutions within the same class or group. Requests for appropriations for particular State-aided hospitals or State-aided homes shall be filed with the Chair of the Committee on Appropriations on forms to be furnished by the said Committee on Appropriations, and shall be signed by the member requesting the appropriation.

No bill granting or conveying Commonwealth lands or taking title thereto shall be reported by any committee to the House unless there has been filed with the Chief Clerk and the chair of the reporting committee a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use, and the legislative district or districts in which the land is located. The memorandum shall contain a statement by a responsible person in the Department of General Services indicating whether or not the administration favors the transfer which is the subject of the bill under consideration.

## **RULE 33**

### **SPECIAL LEGISLATION**

No local or special bill shall be passed by the House unless notice of the intention to apply therefor has been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least 30 days prior to the introduction into the General Assembly of such bill and in the manner provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before the act shall be passed. (Constitution, Article III, Section 7).

No local or special bill shall be considered in violation of Article III, Section 32, of the Constitution.

## **RULE 34**

### **NONPREFERRED APPROPRIATIONS**

No bill shall be passed appropriating money to any charitable or educational institution not under absolute control of the Commonwealth, except by a vote of two-thirds of all members elected. (Constitution, Article III, Section 30).

## **RULE 35**

### **HOUSE AND CONCURRENT RESOLUTIONS**

Members introducing resolutions other than concurrent resolutions shall file five copies thereof; seven copies of concurrent resolutions shall be filed. All resolutions shall be signed by their sponsors, dated and filed with the Chief Clerk. After being numbered, one copy of all resolutions shall be given to the news media and all other copies delivered to the Speaker. A sponsor may not be added or withdrawn after a resolution has been printed. Resolutions may not be withdrawn after reference to a committee.

Unless privileged under Rule 36 for immediate consideration or deemed noncontroversial by the Speaker in consultation with the Majority Leader and the Minority Leader, the Speaker shall refer House resolutions (except discharge resolutions) and Senate resolutions presented to the House for concurrence to appropriate committees.

House resolutions deemed noncontroversial, including, but not limited to, condolence and congratulatory resolutions, shall be considered under the proper order of business on the same day as introduced or within two legislative days thereafter without being referred to committee. The Speaker, in consultation with the Majority Leader and the Minority Leader, shall place noncontroversial resolutions, except condolence or congratulatory resolutions, on an uncontested resolution calendar. Resolutions on the uncontested calendar may be voted by a single roll-call vote. Each resolution listed on the uncontested resolution calendar shall be printed separately in the journal with the vote recorded on the approval of the uncontested calendar as the vote on final passage of each resolution contained therein.

The Speaker shall report to the House the committees to which resolutions have been referred, either on the day introduced or received or the next two legislative days the House is in session.

A resolution introduced in the House and referred to committee shall be printed and placed in the House files.

When a resolution (House or Senate) is reported from committee, it shall be placed on the calendar and

may be called up by a member for consideration by the House under the order of business of resolutions. A House resolution other than a concurrent or joint resolution shall be adopted by a majority of the members voting.

## **RULE 36**

### **PRIVILEGED RESOLUTIONS**

Resolutions privileged for the immediate consideration of the House are those:

- (1) Recalling from or returning bills to the Governor.
- (2) Recalling from or returning bills to the Senate.
- (3) Originated by the Committee on Rules.
- (4) Providing for a Joint Session of the Senate and House and its procedure.
- (5) Placing bills negated by committees on the calendar.
- (6) Adjournment or recess.

## **RULE 37**

### **LEGISLATIVE CITATION**

A member making a request that a Legislative Citation be issued to a particular person or on a specified occasion shall provide the Legislative Reference Bureau with the facts necessary for the preparation of the citation on a suitable form.

The citation request shall be filed with the Chief Clerk and automatically referred to the Speaker who may approve and sign such citation on behalf of the House of Representatives.

One original citation shall be issued by the Chief Clerk.

## **RULE 38**

### **SINE DIE AND FINAL INTRODUCTION OF BILLS**

Resolutions fixing the time for adjournment of the General Assembly sine die and the last day for introduction of bills in the House shall be referred to the Committee on Rules before consideration by the House.

During the period of time between a general election and the adjournment of the House of Representatives sine die, Rule 77 may not be invoked to suspend Rule 21 or any part of this rule.

## **RULE 39**

### **PETITIONS, REMONSTRANCES AND MEMORIALS**

Petitions, remonstrances, memorials and other papers presented by a member shall be signed, dated and filed with the Chief Clerk to be handed to the Speaker for reference to appropriate committees.

The Speaker shall report to the House the committees to which petitions, remonstrances, memorials and other papers have been referred, not later than the next day the House is in session following the day of filing.

## **RULE 40**

### **MESSAGES**

Messages from the Senate and communications from the Governor shall be received and read in the House within one legislative day thereafter.

All House and Senate bills shall be delivered to the Senate with appropriate messages no later than the close of the next legislative day of the Senate which follows the fifth legislative day after which the House acted on such bill.

All House bills returned by the Senate after final passage therein without amendment, and all conference committee reports on House bills received from the Senate and adopted by the House, shall be signed by the Speaker within one legislative day after receipt or adoption, respectively, and shall be delivered to the Senate before the close of the next legislative day of the Senate.

All House bills and all conference committee reports on House bills signed by the Speaker shall be delivered to the Governor within 24 hours after return from the Senate with the signature of the appropriate Senate officer.

## **RULE 41**

### **KIND AND RANK OF COMMITTEE**

The Committees of the House shall be of four kinds and rank in the order named:

- (1) Committee of the Whole House.
- (2) Standing Committees.
- (3) Select Committees.
- (4) Conference Committees.

## **RULE 42**

### **COMMITTEE OF THE WHOLE**

The House may resolve itself into a Committee of the Whole at any time on the motion of a member adopted by a majority vote of the House.

In forming the Committee of the Whole, the Speaker shall leave the chair, after appointing a Chair to preside.

The rules of the House shall be observed in the Committee of the Whole as far as applicable, except that a member may speak more than once on the same question.

A motion to adjourn, to lay on the table, or for the previous question cannot be put in the Committee of the Whole; but a motion to limit or close debate is permissible.

A motion that the Committee of the Whole "do now rise and report back to the House," shall always be in order, and shall be decided without debate.

Amendments made in the Committee of the Whole shall not be read when the Speaker resumes the Chair, unless so ordered by the House.

## **RULE 43**

### **STANDING COMMITTEES AND SUBCOMMITTEES**

The Committee on Committees shall consist of the Speaker and 15 members of the House, ten of whom shall be members of the majority party and five of whom shall be members of the minority party, whose duty shall be to recommend to the House the names of members who are to serve on the standing committees of the House. Except for the Speaker, the Majority and Minority Leaders, Whips, Caucus Chairs, Caucus Secretaries, Caucus Administrators, Policy Chairs and the chairs and minority chairs of standing committees, each member shall be entitled to serve on not less than two standing committees.

The Speaker shall appoint the chair and vice-chair of each standing committee when such standing committee has no standing subcommittees as prescribed herein, except the Committee on Appropriations which shall also have a vice-chair appointed by the Speaker; when the standing committee has standing subcommittees, the Speaker shall appoint a subcommittee chair for each standing subcommittee. The Speaker shall appoint a secretary for each standing committee. The Minority Leader shall appoint the minority chair, minority vice-chair and minority secretary of each standing committee and the minority subcommittee chair for each standing subcommittee.

Except for members who decline chair status or minority chair status in writing or who are barred from serving as a chair or minority chair under this rule, the chair and minority chair of each standing committee except the Appropriations Committee shall be limited only to the members of the applicable caucus with the most seniority as members of their respective caucus. Whenever there are more caucus members with equal seniority than available chairs or minority chairs for that caucus, the selection of a chair or minority chair from among such caucus members shall be in the discretion of the appointing authority. The appointing authority may designate the standing committee to which the appointing authority shall appoint a member as chair or minority chair without regard to seniority. The Speaker and the Floor Leader, Whip, Caucus Chair, Caucus Secretary, Caucus Administrator and Policy Chair of the majority party and minority party shall not be eligible to serve as chair or minority chair of any standing committee and no member may serve as chair or minority chair of more than one standing committee.

Any chair or minority chair held by a member who fails to meet the requirements of this rule shall become vacant by automatic operation of this rule. If the appointing authority fails to make an appointment of a chair or minority chair prior to the organizational meeting of a standing committee or fails to fill a vacancy within seven calendar days after it occurs, such position shall be deemed to remain vacant in violation of this rule. Whenever a chair or minority chair becomes vacant or remains vacant in violation of this rule, the member of the applicable caucus who meets the requirements of this rule shall automatically fill the vacancy and, if there are two or more such eligible caucus members for any such vacancy or vacancies, they shall be filled from among such eligible members through a lottery to be conducted under the supervision of the Chief Clerk after giving notice of the time and place thereof to all eligible members, to the Speaker, to the Majority Leader and to the Minority Leader.

Nothing in this rule shall prohibit the appointing authority from transferring a member from the chair or minority chair of a standing committee to the chair or minority chair of another standing committee.

Whenever the appointment of a chair or minority chair will cause the applicable caucus to exceed its permissible allocation of members on a standing committee, the appointing authority shall make a temporary transfer of an eligible committee member to the standing committee vacated by the member appointed as chair or minority chair until a regular committee appointment can be made in accordance with the rules of the House. If the Speaker or Minority Leader fails to make a temporary transfer within seven calendar days after such appointment, the committee member with the least seniority, who is eligible for transfer, shall be automatically transferred to the committee vacated by the newly appointed chair or minority chair and, if more than one



committee member is eligible for such transfer, the transfer shall be implemented through a lottery conducted under the supervision of the Chief Clerk.

The Speaker of the House, Floor Leader of the majority party and the Floor Leader of the minority party shall be ex-officio members of all standing committees, without the right to vote and they shall be excluded from any limitation as to the number of members on the committees or in counting a quorum.

Twenty-four standing committees of the House, each to consist of 27 members except the Committee on Appropriations, which shall consist of 37 members, are hereby created. In addition, there are hereby created 48 standing subcommittees.

All standing committees shall consist of 16 members of the majority party and 11 members of the minority party, except the Committee on Appropriations which shall consist of 22 members of the majority party and 15 members of the minority party. The quorum for each of the standing committees and subcommittees shall be no less than the majority of said committees. The following are the standing committees and subcommittees thereof:

- (1) Aging and Older Adult Services
  - (a) Subcommittee on Care and Services
  - (b) Subcommittee on Programs and Benefits
- (2) Agriculture and Rural Affairs
- (3) Appropriations
  - (a) Subcommittee on Health and Human Services
  - (b) Subcommittee on Education
  - (c) Subcommittee on Economic Impact and Infrastructure
  - (d) Subcommittee on Fiscal Policy
  - (e) Subcommittee on Criminal Justice
  - (f) Subcommittee on Government and Financial Oversight
- (4) Children and Youth
- (5) Commerce
  - (a) Subcommittee on Financial Services and Banking
  - (b) Subcommittee on Housing
  - (c) Subcommittee on Economic Development
  - (d) Subcommittee on Small Business
- (6) Consumer Affairs

- (a) Subcommittee on Public Utilities
- (b) Subcommittee on Telecommunications

(7) Education

- (a) Subcommittee on Basic Education
- (b) Subcommittee on Higher Education
- (c) Subcommittee on Special Education
- (d) Subcommittee on Career and Technical Education

(8) Environmental Resources and Energy

- (a) Subcommittee on Energy
- (b) Subcommittee on Mining
- (c) Subcommittee on Parks and Forests

(9) Finance

(10) Game and Fisheries

(11) Gaming Oversight

(12) Health

- (a) Subcommittee on Health Facilities
- (b) Subcommittee on Health Care

(13) Human Services

- (a) Subcommittee on Mental Health
- (b) Subcommittee on Drugs and Alcohol

(14) Insurance

(15) Judiciary

- (a) Subcommittee on Crime and Corrections
- (b) Subcommittee on Courts
- (c) Subcommittee on Family Law

(16) Labor and Industry

(17) Liquor Control

- (a) Subcommittee on Licensing
- (b) Subcommittee on Marketing

(18) Local Government

- (a) Subcommittee on Boroughs
  - (b) Subcommittee on Counties
  - (c) Subcommittee on Townships
- (19) Professional Licensure
- (20) State Government
- (a) Subcommittee on Government Operations
  - (b) Subcommittee on Federal-State Relations
- (21) Tourism and Recreational Development
- (a) Subcommittee on Arts and Entertainment
  - (b) Subcommittee on Recreation
  - (c) Subcommittee on Travel Promotion, History and Heritage
- (22) Transportation
- (a) Subcommittee on Highways
  - (b) Subcommittee on Public Transportation
  - (c) Subcommittee on Transportation Safety
  - (d) Subcommittee on Aviation
  - (e) Subcommittee on Railroads
- (23) Urban Affairs
- (a) Subcommittee on Cities, Counties - First Class
  - (b) Subcommittee on Cities, Counties - Second Class
  - (c) Subcommittee on Cities, Third Class
- (24) Veterans Affairs and Emergency Preparedness
- (a) Subcommittee on Military and Veterans Facilities
  - (b) Subcommittee on Security and Emergency Response Readiness

## **RULE 44**

### **ORGANIZATION OF STANDING COMMITTEES AND SUBCOMMITTEES**

The membership of each standing committee shall first meet upon the call of its chair and perfect its organization. A majority of the members to which each standing committee is entitled shall constitute a quorum for it to proceed to business. Each standing committee shall have the power to promulgate rules not inconsistent

with these rules which may be necessary for the orderly conduct of its business.

Where a standing committee has standing subcommittees as prescribed by Rule 43, the membership on such standing subcommittees shall be appointed by the Committee on Committees after consultation with each chair of a standing committee of which the standing subcommittee is a part. Each standing subcommittee shall consist of the chair and minority chair of its parent standing committee, the chair of the standing subcommittee, and five other members from the parent standing committee to be appointed by the Committee on Committees, three from among the majority party after consultation with the Majority Leader and two from among the minority party after consultation with the Minority Leader. Where it is deemed advisable that the membership of any standing subcommittee be of greater number than that prescribed herein, the Committee on Committees may appoint additional members of the standing committee from the majority or minority party to serve on such standing subcommittee. The number of additional members selected should be such as to maintain, as far as is practicable, a ratio in majority and minority party membership which affords a fair and reasonable representation to the minority party on the standing subcommittee.

The chair and the minority chair of each standing committee shall be members of each standing subcommittee which is part of the parent standing committee, with the right to attend standing subcommittee meetings and vote on any matter before such standing subcommittee.

A majority of the members of each standing subcommittee shall constitute a quorum for the proper conduct of its business. Each standing subcommittee may promulgate such rules necessary for the conduct of its business which are not inconsistent with the rules of its parent standing committee or the Rules of the House.

When the chair of a standing committee has referred a bill, resolution or other matter to a standing subcommittee, the power and control over such bill, resolution or other matter shall then reside in such subcommittee for a reasonable period of time thereafter in order that such subcommittee may consider the bill, resolution or other matter and return the same to its standing committee with its recommendations as to the action which ought to be taken on such bill, resolution or other matter.

Each standing subcommittee, within a reasonable time after it has received a bill, resolution or other matter, shall meet as a committee for the purpose of considering the same and returning the bill, resolution or other matter back to its parent standing committee with a subcommittee report as to what action it recommends. The report of the subcommittee on a bill, resolution or other matter being returned to the standing committee shall contain one of the following recommendations:

- (1) that the bill, resolution or other matter in its present form be reported to the House,

(2) that the bill, resolution, or other matter not be reported to the House,

(3) that the bill, resolution or other matter be reported to the House, with recommendations for amendments,

(4) that the bill, resolution or other matter is returned without recommendations.

When a standing committee receives reports from its subcommittees, it shall consider the same and by majority vote of the members of the standing committee either approve or disapprove such report. If disapproved, the standing committee may then determine by a majority vote of its members what further action, if any, should be taken on such bill, resolution or other matter.

Where no action has been taken by a standing subcommittee on a bill, resolution or other matter referred to it, and the chair of the standing committee considers that such subcommittee has had reasonable time to consider the bill, resolution or other matter and return the same to its parent standing committee, the subcommittee chair shall then forthwith surrender and forward the same, together with all documents or papers pertaining thereto, to the standing committee.

In the event that a chair of a standing committee is absent, the following rules shall apply in the following order of precedence:

(1) If such standing committee has a vice-chair, the vice-chair of the standing committee shall act as chair of the committee meetings.

(2) If such standing committee has only one subcommittee, the subcommittee chair shall act as chair of the standing committee.

(3) If the standing committee has more than one subcommittee, the subcommittee chair with the longest consecutive legislative service shall act as chair of the standing committee, except where the subcommittee chairs have equal legislative service, in which case the Speaker of the House shall designate one of the subcommittee chairs to act as chair of the standing committee.

In case of absence of a subcommittee chair, the chair of the appropriate standing committee shall designate one member from either the standing committee or subcommittee to act as chair of the subcommittee.

## **RULE 45**

### **POWERS AND DUTIES OF STANDING COMMITTEES AND SUBCOMMITTEES**

The chair of each standing committee and subcommittee shall fix regular weekly, biweekly or monthly meeting days for the transaction of business before the committee or subcommittee. The chair of the committee

or subcommittee shall notify all members, at least 24 hours in advance of the date, time and place of regular meetings, and, insofar as possible, the subjects on the agenda. In addition to regular meetings, special meetings may be called from time to time by the chair of the committee or subcommittee as they deem necessary. No recess or combination of recesses shall exceed 48 hours for any committee meeting or subcommittee meeting. No committee shall meet during any session of the House without first obtaining permission of the Speaker. During any such meeting, no vote shall be taken on the Floor of the House on any amendment, recommittal motion, final passage of any bill, or any other matter requiring a roll call vote. Any committee meeting called off the Floor of the House shall meet in a committee room. In addition to the specific provisions of this rule, all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) relative to notice of meetings shall be complied with.

At regularly scheduled meetings, or upon the call of the chair, or subcommittee chair, for special meetings, the membership of such committees shall meet to consider any bill, resolution, or other matter on the agenda. The secretary of each standing committee, or in case of subcommittees a secretary designated by the subcommittee chair, shall record:

- (1) the minutes of the meeting,
- (2) all votes taken,
- (3) a roll or attendance of members at standing committee or subcommittee meetings showing the names of those present, absent or excused from attendance, and the majority and minority chairs or their designees shall verify by their signatures all votes taken and the roll or attendance of those members present, absent or excused before said records are submitted to the Chief Clerk, and
- (4) dispatch of bills and resolutions before the committee. Such records shall be open to public inspection.

On the first legislative day of each week the House is in session, the chair of each standing committee shall submit to the Chief Clerk for inclusion in the House Journal only, the roll or record of attendance of members at standing committee or subcommittee meetings held prior thereto and not yet reported, along with the record of all votes taken at such meetings. All reports from standing committees shall be prepared in writing by the secretary of the committee. Members of a standing committee may prepare in writing and file a minority report, setting forth the reasons for their dissent. Such committee reports shall be filed with the Chief Clerk within five days of the meeting. All meetings at which formal action is taken by a standing committee or subcommittee shall be open to the public, making such reports as are required under Rule 44. When any member, except for an excused absence, fails to attend five consecutive regular meetings of his or her committee, the chair of that committee or subcommittee shall notify the member of that fact and, if the member in question fails to

reasonably justify absences to the satisfaction of a majority of the membership of the standing committee of which he or she is a member, membership on the committee or subcommittee shall be deemed vacant and the chair of the standing committee shall notify the Speaker of the House to that effect. Such vacancy shall then be filled in the manner prescribed by these rules.

Whenever the chair of any standing committee shall refuse to call a regular meeting, then a majority of the members of the standing committee may vote to call a meeting by giving two days written notice to the Speaker of the House, setting the time and place for such meeting. Such notice shall be read in the House and the same posted by the Chief Clerk in the House Chamber. Thereafter, the meeting shall be held at the time and place specified in the notice. In addition, all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) relative to notice of meetings shall be complied with.

Records, bills and other papers in the possession of committees and subcommittees, upon final adjournment of the House shall be filed with the Chief Clerk.

No committee report, except a report of the Appropriations Committee, shall be recognized by the House, unless the same has been acted upon by a majority vote of the members of a standing committee present at a committee session actually assembled and meeting as a committee, provided such majority vote numbers at least 12 members, and provided further a quorum is present. No committee report of the Appropriations Committee shall be recognized by the House, unless the same has been acted upon by a majority vote of the members of such committee present at a committee session actually assembled and meeting as a committee, provided such majority vote numbers at least 17 members, and provided further a quorum is present.

No proxy voting shall be permitted in committee, except as provided for herein. If a member reports to a scheduled committee meeting and advises the chair and other members of a conflicting committee meeting or other legislative meeting which he or she must attend on the same day, the member is authorized to give the chair or minority chair his or her proxy in writing which shall be valid only for that day and which shall include written instructions for the exercise of such proxy by the chair or minority chair during the meeting. The member should also advise the chair where he or she can be reached. In the event the conflicting committee meeting or other legislative meeting is scheduled to convene at the same time or prior to the meeting at which a member desires to vote by proxy, such proxy shall be delivered to both the chair and minority chair prior to, but on the same day as, the conflicting meetings.

When the majority of the members of a standing committee believe that a certain bill or resolution in the possession of the standing committee should be considered and acted upon by such committee, they may

request the chair to include the same as part of the business of a committee meeting. Upon failure of the chair to comply with such request, the membership may require that such bill be considered by written motion made and approved by a majority vote of the entire membership to which such committee is entitled.

Whenever the phrase "majority of members of a standing committee or subcommittee" is used in these rules, it shall mean majority of the entire membership to which a standing committee or subcommittee is entitled, unless the context thereof indicates a different intent.

To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee or subcommittee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee or subcommittee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

The Committee on Appropriations shall have the power to issue subpoenas under the hand and seal of its chair commanding any person to appear before it and answer questions touching matters properly being inquired into by the committee, which matters shall include data from any fund administered by the Commonwealth, and to produce such books, papers, records, accounts, reports, documents and data and information produced and stored by any electronic data processing system as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records, accounts, reports, documents or data and information produced and stored by any electronic data processing system shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. The committee may also cause the deposition of witnesses either residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions.

## **RULE 46**

### **COMMITTEE ON RULES**

The Committee on Rules shall consist of the Speaker, the Majority Leader, the Majority Whip, the Minority Leader, the Minority Whip, the Majority Appropriations Chair, the Minority Appropriations Chair, 14 members of the majority party appointed by the Speaker, and 12 members of the minority party appointed by



the Minority Leader. The Majority Leader shall be chair.

The committee shall make recommendations designed to improve and expedite the business and procedure of the House and its committees, and to propose to the House any amendments to the Rules deemed necessary. The committee shall also do all things necessary to fulfill any assignment or duty given to the committee by any resolution, or other rule of the House of Representatives.

The committee shall be privileged to report at any time.

The committee shall, until or unless superseded by law, adopt guidelines for the expenditure of all funds appropriated to the House or to any member or nonmember officer by any appropriation act.

Such guidelines shall include a detailed statement of the general and specific purposes for which the funds from that appropriation account may be used, as well as uniform standards of required documentation, accounting systems and record keeping procedures.

Except as expressly provided in Rule 30 or this rule, the committee shall not have the power to amend any bill or joint resolution.

## **RULE 47**

### **STATUS OF MEMBERS INDICTED OR CONVICTED OF A CRIME**

When an indictment is returned or a charge is filed before a court of record against a member of the House, and the gravamen of the indictment or charge is directly related to the member's conduct as a committee chair or ranking minority committee member or in a position of leadership or is one which would render the member ineligible to the General Assembly under section 7 of Article II of the Constitution of Pennsylvania, the member shall be relieved of committee chair status, ranking minority committee member status or leadership position until the indictment or charge is disposed of, but the member shall otherwise continue to function as a Representative, including voting, and shall continue to be paid.

If, during the same legislative term, the indictment or charge is quashed, dismissed or withdrawn, or the court finds that the member is not guilty of the offense alleged, the member shall immediately be restored to committee chair status, ranking minority committee member status or the leadership position retroactively from which he or she was suspended.

Upon a finding or verdict of guilt by a judge or jury, plea or admission of guilt or plea of nolo contendere of a member of the House of a crime, the gravamen of which relates to the member's conduct as a Representative or which would render the member ineligible to the General Assembly under section 7 of Article II of the Constitution of Pennsylvania, the Parliamentarian of the House may, upon the request of the Chair and

Vice-Chair of the House Ethics Committee, prepare a resolution of expulsion. Upon imposition of sentence, the Parliamentarian of the House shall prepare a resolution of expulsion under the sponsorship of the Chair and Vice-Chair of the House Ethics Committee. The resolution shall be printed and placed on the calendar for the next day of House session.

## **RULE 48**

### **CONFERENCE COMMITTEE**

All Committees of Conference shall be appointed by the Speaker and shall be composed of three members, two of whom shall be selected from the majority party and one from the minority party.

The conferees shall confine themselves to the differences which exist between the House and Senate.

The presentation of reports of Committees of Conference shall be in order after having been signed by a majority of members of the committee of each House.

Consideration of a report of a Committee of Conference by the House shall be in order when it has been printed, placed on the desks of the members and listed on the calendar.

## **RULE 49**

### **COMMITTEE ACTION**

Whenever a bill, resolution or other matter has been referred by the Speaker of the House to a standing committee, and such committee has one or more standing subcommittees, the chair of the standing committee may either refer it to an appropriate subcommittee or retain it for consideration by the entire standing committee. If it is retained, such standing committee shall have full power and control over such bill, resolution or other matter, except that such committee shall not change the subject nor any amendments adopted by the House. Where the chair of the standing committee refers such bill, resolution, or matter to a subcommittee, such subcommittee, except as hereinafter provided, shall have full power over the same.

The recommendations by a committee that a bill or resolution be reported negatively shall not affect its consideration by the House. The words "negative recommendation" shall be printed conspicuously on a line above the title of this bill.

All standing subcommittees shall be subject to the will of the majority of their parent standing committee and shall not promulgate any rules or take any action inconsistent with the rules of their parent standing committee or the Rules of the House.

After a bill is reported out of committee, all committee votes taken with respect to the bill shall be posted

on the Internet as soon as practicable.

## **RULE 50**

### **PUBLIC HEARINGS**

Each standing committee, subcommittee or select committee to which a proposed bill, resolution or any matter is referred shall have full power and authority to study said bill, resolution or other matter before it, as such committee, shall determine is necessary to enable it to report properly to the House thereon. To this end, a standing committee, subcommittee, or select committee, may as hereinafter provided, conduct public hearings. No standing committee, subcommittee or select committee shall hold any public hearings without prior approval by a majority vote of the members of the standing committee and the Speaker or the Majority Leader of the House. The Speaker or the Majority Leader of the House shall withhold approval of public hearings based only on budgetary consideration.

When a public hearing has been authorized as aforesaid, the chair of the standing committee, subcommittee chair, or select committee chair as the case may be, shall instruct the Chief Clerk to give written notice thereof to each House Member not less than five calendar days before the proposed hearings and post the same in or immediately adjacent to the House Chambers. Such notice, which shall contain the day, hour and place of the hearing and the number or numbers of bills or other subject matter to be considered at such hearing, shall also be given the supervisor of the news room, and to the news media. In addition, all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings), relative to notice of meetings shall be complied with.

Public hearings held by a standing committee shall be chaired by the chair of such committee, unless absent, in which case an acting chair shall be selected in the manner prescribed by these rules to serve. Public hearings held by standing subcommittees shall be chaired by the subcommittee chair thereof, but the chair of the parent standing committee, as an ex-officio member of the subcommittee, shall have the right to attend and participate in the hearing proceedings. In the absence of the subcommittee chair, an acting chair shall be appointed in the manner prescribed by these rules.

All public hearings shall be open to the public and reasonable opportunity to be heard shall be afforded to all interested parties who have requested an appearance before the committee. In addition, it shall be the responsibility of the committee in conducting its hearing to request the presentation of testimony by any person who, in the opinion of the committee, is qualified to present pertinent and important testimony.

Such committee shall, so far as practicable, request all witnesses appearing before it to file written statements of their proposed testimony. The chair shall have the right to fix the order of appearance and the time

to be allotted to witnesses. Witnesses may submit brief pertinent statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

The chair, in presiding at such public hearings, shall preserve order and decorum, in and adjacent to his committee room while the hearing is being conducted and shall have the authority to direct the removal from the committee room of any person who fails to comply with order and decorum of the committee.

Proceedings of all public hearings shall be either stenographically or electronically recorded. The committee shall determine which parts of such recorded proceedings, if any, shall be transcribed and the distribution thereof. Except as hereinafter provided, no more than four copies of any transcript shall be made. Such stenographic or electronic records and at least one copy of any transcription shall be preserved by the Chief Clerk until authorized to dispose of same by an affirmative vote of three-quarters of the entire membership of the Rules Committee and shall be made available to any member upon written request for the purpose of copying or transcription at that member's expense. Any transcribed records and any reports of the committee shall be filed with the Chief Clerk or his designee and shall be made available to any person in accordance with reasonable rules and regulations prescribed by the Chief Clerk. Upon payment of a reasonable cost to be determined by the Chief Clerk, a person may obtain a copy of such transcribed records or reports.

All written testimony and all transcribed testimony at committee hearings shall be posted on the Internet as soon thereafter as practicable.

The Chief Clerk shall not make payment of any expenses incurred as a result of a public hearing without the prior written approval of the Speaker or the Majority Leader of the House.

## **RULE 51**

### **INVESTIGATIONS**

Any standing committee, subcommittee or select committee, upon resolution introduced and approved by majority vote of the House, may be authorized and empowered to conduct hearings at any place in the Commonwealth to investigate any matter provided for in such resolution. When authorized by such a resolution, such committee shall be empowered to issue subpoenas under the hand and seal of the chair thereof commanding any person to appear before it and answer questions touching matters properly being inquired into by the committee and produce such books, papers, records, accounts, reports, documents and data and information produced and stored by an electronic data processing system as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Where any person willfully neglects or refuses to comply with any subpoena

issued by the committee or refuses to testify before the committee on any matter regarding which the person may be lawfully interrogated, it shall be the duty of the committee to report such disobedience or refusal to the House of Representatives, and such person shall be subject to the penalties provided by the laws of the Commonwealth in such cases. All such subpoenaed books, papers, records, accounts, reports, documents and data and information produced and stored by any electronic data processing system shall be returned to the person from whom such material was subpoenaed when the committee has completed its examination of such material, but in no event later than the date on which the committee completes its investigation. Such material, or any information derived therefrom not a part of public sessions of the committee, shall not be turned over to any person or authority without the consent of the person from whom such material was subpoenaed. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. The Sergeant-at-Arms of the Legislature or other person designated by the committee shall serve any subpoenas issued by the committee, when directed to do so by the committee. The subpoena shall be addressed to the witness, state that such proceeding is before a committee of the House at which the witness is required to attend and testify at a time and place certain and be signed by the chair of the committee commanding attendance of such witness. Mileage and witness fees shall be paid to such witness in an amount prescribed by law.

The chair of the investigative hearing shall call the committee to order and announce in an opening statement the subject or purposes of the investigation.

A copy of this rule shall be made available to the witnesses at least three calendar days prior to his or her scheduled testimony. Witnesses at investigative hearings, may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The chair, for breaches of order or decorum or of professional ethics on the part of counsel, may exclude counsel from the hearing. Counsel may interpose legal objection to any and all questions which in the opinion of counsel may violate the civil or constitutional rights of his or her clients.

If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade or incriminate any person, it shall:

- (1) receive such evidence or testimony in executive session;
- (2) afford such person an opportunity voluntarily to appear as a witness; and
- (3) receive and dispose of requests from such person to subpoena additional witnesses.

No evidence or testimony taken in executive session may be released to any person or authority or used in

public sessions without the consent of the committee.

Proceedings of all public hearings shall be either stenographically or electronically recorded. The committee shall determine which parts of such recorded proceedings, if any, shall be transcribed and four copies thereof shall be distributed and additional copies made available as provided in Rule 50. Such stenographic or electronic records shall be preserved by the Chief Clerk until directed to dispose of same by an affirmative vote of three-quarters of the entire membership of the Rules Committee and shall be made available to any member upon written request for the purpose of transcription at that member's expense. Any transcribed records and any reports of the committee shall be filed with the Chief Clerk or a designee and shall be made available to any person in accordance with reasonable rules and regulations prescribed by the Chief Clerk.

Upon payment of a reasonable cost to be determined by the Chief Clerk, a person may obtain a copy of the transcript of any testimony given at a public session or, if given at an executive session when authorized by the committee. All standing committees, subcommittees, special committees or commissions which are authorized to hold public hearings and investigations shall file a final report before being discharged of delegated responsibilities.

## **RULE 52**

### **POSSESSION OF BILLS BY COMMITTEE**

When a committee has ordered that a bill, resolution or other matter be reported to the House, the member to whom it is assigned shall make the report thereof to the House either on the same day or at the next meeting of the House.

Failure of a member to comply with this rule shall be reported to the House by the committee, provided the official copy of the bill, resolution or other matter has not been obtained. Upon a motion agreed to by the House, a duplicate certified copy of a House bill, House resolution or other House matter shall be furnished to the committee by the Chief Clerk.

A committee or subcommittee shall not consider a bill, resolution or other matter which is not in its possession.

When a committee reports to the House that a House bill, House resolution or other House matter referred to it is lost, upon a motion agreed to by the House, a duplicate certified copy thereof shall be furnished by the Chief Clerk.

If the Senate bill, Senate resolution or other Senate matter received from the Senate is lost, upon a motion agreed to by the House, a request shall be made to the Senate to furnish the House with a duplicate certified

copy thereof.

If a bill, resolution or other matter is lost before it has been referred to a committee, the fact shall be reported to the House and the procedure provided by this rule shall be followed.

## **RULE 53**

### **DISCHARGE OF COMMITTEES**

A member may present to the Chief Clerk a resolution in writing to discharge a committee from the consideration of a bill or resolution which has been referred to it 15 legislative days prior thereto (but only one motion may be presented for each bill or resolution). The discharge resolution shall be placed in the custody of the Chief Clerk, who shall arrange some convenient place for the signature of the members. A signature may be withdrawn by a member in writing at any time before the discharge resolution is entered in the Journal. When 25 members of the House shall have signed the resolution, it shall be entered in the Journal and the title of the bill or resolution and the name of the committee to be discharged shall be printed on the calendar.

Any member who has signed a discharge resolution which has been on the calendar at least one legislative day prior thereto and seeks recognition, shall be recognized for the purpose of calling up the discharge resolution and the House shall proceed to its consideration without intervening motion except one motion to adjourn; however, no discharge resolution shall be considered during the last six legislative days of any session of the House. A majority vote of all the members elected to the House shall be required to agree to a resolution to discharge a committee. When any perfected discharge resolution has been acted upon by the House and defeated it shall not be in order to entertain during the same session of the House any other discharge resolution from that committee of said measure, or from any other committee of any other bill or resolution substantially the same, relating in substance to or dealing with the same subject matter.

## **RULE 54**

### **PRESENTATION AND WITHDRAWAL OF MOTIONS**

When a motion which is in order has been made, the Speaker shall state it or (if it is in writing) cause it to be read by the Clerk. It shall then be in the possession of the House, but it may be withdrawn by the maker at any time before decision or amendment.

The Speaker shall put the question in the following form, viz: "those in favor of the motion will say 'aye'." After the affirmative is expressed, "those who are opposed will say 'no'."

All motions, except for the previous question and a motion for reconsideration, may be made without a

second.

No dilatory motion shall be entertained by the Speaker.

## **RULE 55**

### **PRIVILEGED MOTIONS**

When a question is under debate or before the House, no motion shall be received but the following, which shall take precedence in the order named:

- (1) To adjourn, or recess.
- (2) To extend session.
- (3) A call of the House.
- (4) To lay on the table.
- (5) For the previous question.
- (6) To postpone.
- (7) To commit or recommit.
- (8) To amend.

Debate on the motion to postpone shall be confined to the question of the postponement and shall not include discussion of the main question.

The motion to commit or recommit is open to debate only as to the reasons for or against reference to committee and shall not include a discussion of the merits of the main question.

Debate on the motion to amend shall be limited to the amendment and shall not include the general merits of the main question.

## **RULE 56**

### **ADJOURN**

A motion to adjourn or recess is debatable, cannot be amended and is always in order, except:

- (1) when another member has the floor; or
- (2) when the House is voting.

## **RULE 57**

### **CALL OF THE HOUSE**

If a question of the absence of a quorum is raised by a member, the Speaker shall order the Sergeant-at-



Arms to close the doors of the House. No member shall be permitted to leave the House, except by permission of the House. The names of the members present shall be recorded and absentees noted. Those for whom no leave of absence has been granted or no sufficient excuse is made may, by order of a majority of the members present, be sent for and taken into custody by the Sergeant-at-Arms and assistants appointed for that purpose, and brought before the bar of the House where, unless excused by a majority of the members present, they shall be censured or punished for neglect of duty as the House may direct.

Further proceedings under a call of the House may be dispensed with at any time after the completion of the roll call and the announcement of the result.

These proceedings shall be without debate, and no motion, except to adjourn, shall be in order.

## **RULE 58**

### **PERSONS ADMITTED UNDER A CALL OF THE HOUSE**

Members who voluntarily appear during a call of the House shall be admitted to the House. Upon recognition by the Speaker they shall announce their presence and their names shall be recorded on the roll.

Officers of the House, accredited correspondents and employees designated by the Chief Clerk shall be admitted to the House during a call.

Visitors shall not be admitted to the House after the doors are closed and until the proceedings under the call are terminated, but they shall be permitted to leave.

## **RULE 59**

### **LAY ON THE TABLE**

A motion to lay on the table is debatable by the Majority Leader, the Minority Leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration. It is not subject to amendment and carries with it the main question and all other pending questions which adhere to it, except when an appeal is laid on the table. The passage of a motion to lay an amendment on the table shall cause the subject bill or resolution and all other amendments to be laid on the table.

## **RULE 60**

### **MOTION TO TAKE FROM THE TABLE**

A motion to take from the table a bill or other subject is in order under the same order of business in which the matter was laid on the table. It shall be decided without amendment and is debatable by the Majority Leader,

the Minority Leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration.

## **RULE 61**

### **PREVIOUS QUESTION**

A motion for the previous question, seconded by 20 members and sustained by a majority of the members present, shall put an end to all debate and bring the House to an immediate vote on the question then pending, or the questions on which it has been ordered.

A motion for the previous question may be made to embrace any or all pending amendments or motions and to include the passage or rejection of a bill or resolution.

## **RULE 62**

### **CALL FOR YEAS AND NAYS—REASONS FOR VOTE**

The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the Journal. (Constitution, Article II, Section 12).

When the Speaker or any member is not satisfied with a voice vote on a pending question, the Speaker may order a roll call vote; or, upon request of two members, before the result of the vote is announced, the Speaker shall order a roll call vote.

A member may submit a written explanation of his or her vote immediately following the announcement of the result of the vote and have it printed in the Journal.

## **RULE 63**

### **DIVISION OF A QUESTION**

Any member may call for a division of a question by the House, if it comprehends propositions so distinct and separate that one being taken away, the other will stand as a complete proposition for the decision of the House. Bills and resolutions shall not be subject to division.

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

## **RULE 64**

### **MEMBERS REQUIRED TO BE PRESENT AND VOTE**

Every member shall be present within the Hall of the House during its sittings, unless excused by the House or unavoidably prevented, and shall vote for or against each question put, unless he or she has a direct personal or pecuniary interest in the determination of the question or unless excused.

No member shall be permitted to vote and have his or her vote recorded on the roll unless present in the Hall of the House during the roll call vote.

The Legislative Journal shall show the result of each roll call by yeas and nays and those absent and those not voting.

### **RULE 64 (A)**

#### **CHRONIC ABSENTEEISM**

For purposes of this rule the term "chronic absenteeism" shall mean the unexcused absence of a representative for a period of five consecutive legislative days from official sessions of the House of Representatives or the absence of a committee member for a period of five consecutive days from an assigned committee meeting which meeting qualifies as a regular committee meeting under the rules of the House of Representatives and the Sunshine Law of the Commonwealth.

Any representative who is absent without excuse from regular House sessions for a period of five consecutive legislative days or is absent for a period of five consecutive committee meetings shall be deemed a chronic absentee and may, on a vote of the full House, be held in contempt of this House upon motion of five members of the House for chronic absence from regular House sessions and by motion of three members of the standing committee of the House to which such representative is assigned for chronic absence from regularly scheduled committee meetings.

The term "chronic absenteeism" shall not include:

- (1) Absence due to the personal illness or bodily injury of a representative.
- (2) Absence due to personal illness or bodily injury of a member of the immediate family of the representative.
- (3) Death to a member of the immediate family of a representative.
- (4) Absence due to military service.
- (5) Any excused absence approved by the House pursuant to its rules.

**RULE 65**  
**MEMBER HAVING PRIVATE INTEREST**

(1) A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon. (Constitution, Article III, Section 13).

(2) A member who, for remuneration, represents any organization required to register under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure) shall file a statement of that fact with the Chief Clerk.

**RULE 65 (A)**  
**PROFESSIONALS-LEGISLATORS**

(1) Except as hereinafter provided, any member or employee of the House or its agencies shall not be retained for compensation to appear in his or her professional capacity to represent the interest of any client in any proceeding before any Commonwealth department, board, agency, bureau or commission, except that such member or employee is authorized to represent the interest of a client at any stage of a proceeding before the Commonwealth or its agencies where such proceeding was initially taken or brought as a ministerial action, as defined by this rule, and as originally taken was not initially adverse in nature to the interest of the Commonwealth or its agencies.

(2) The provisions of this rule shall not be applicable to professionals-legislators:

(a) Representing clients on criminal matters before the courts of the Commonwealth.

(b) Representing clients on civil matters before the courts of the Commonwealth.

(c) Representing clients in all stages of a proceeding before the Commonwealth or its agencies which was initially commenced as a ministerial action. The term "ministerial action" means and includes any proceeding or action before the Commonwealth or its agencies where the proceeding, as initially commenced involved solely:

(i) The uncontested or routine action by the Commonwealth's administrative officers or employees in issuing or renewing licenses, charters, certificates or any other documents of a similar nature; or

(ii) The preparation, filing and review of tax returns and supporting documents required by law; or

(iii) The preparation, filing and review of engineering and architectural plans, drawings, specifications and reports; or

(iv) Any other initially routine or uncontested preparation, filing, review or other action not enumerated above and considered and normally handled by the Commonwealth or its agencies as a ministerial action.

(d) Representing clients in workmen's compensation proceedings before the bureau, its referees or the Workmen's Compensation Appeals Board.

(3) This rule shall not apply to the other members of the firm of such member and/or employee.

## **RULE 65 (B)**

### **FINANCIAL INTERESTS IN GAMING ENTITIES**

Annually, on or before April 30, every member shall file an affidavit with the Chief Clerk, on a form provided by the Chief Clerk, affirming that neither the member nor an immediate family member of the member holds a financial interest in violation of 4 Pa.C.S. § 1512 (relating to financial and employment interests).

For purposes of this rule, "immediate family member" shall mean a spouse, minor child or unemancipated child.

## **RULE 66**

### **ELECTRIC ROLL CALL**

The names of the members shall be listed on the electric roll call boards by party affiliation in alphabetical order, except the name of the Speaker shall be last.

On any question requiring the "yeas" and "nays", the electric roll call system shall be used. On all other questions to be voted upon, the Speaker may order the yeas and nays taken by the electric roll call system or voice vote or, upon demand of two members before the result of a vote has been declared, the yeas and nays shall be taken by the electric roll call system.

In the event the electric roll call system is not in operating order, the Speaker shall order all yea and nay votes be taken by calling the roll, as provided in the Rules of the House.

The vote of any member which has not been recorded because of mechanical malfunction of the electric roll call system shall be entered on the Journal, if said member was in the Hall of the House at the time of the vote and did cast his or her vote at the appropriate time, and the fact of such malfunction is reported to the Speaker of the House prior to the announcement of the result of the vote.

When the House is ready to vote upon any question requiring the yeas and nays and the vote is to be taken by the electric roll call system, the Speaker shall state: "The question ..... (Designating the matter to be

voted upon.)" The Speaker shall then unlock the voting machine and announce, "The members shall now proceed to vote." Once the voting has begun, it shall not be interrupted, except for the purpose of questioning the validity of a member's vote or, if the voting switch of a member present in the Hall of the House is locked or otherwise inoperative, a request that such switch be rendered operative or such members vote be officially recorded, before the result is announced.

When, in the judgment of the Speaker, reasonable time has been allowed all members present in the House to vote (in no event shall such time exceed ten minutes) the Speaker shall ask the question: "Have all members present voted?" After a pause, the Speaker shall lock the machine and instruct the Clerk to record the vote, and the Speaker shall announce the result of the vote.

No member or other person shall be allowed at the Clerk's desk while the yeas and nays are being recorded, or the vote counted.

After the voting machine is locked, no member may change a vote and the votes of tardy members will not be recorded.

The vote as electrically recorded on the roll of members shall not in any manner be altered or changed by any person.

Except as provided in this rule, no member shall vote for another member, nor shall any person not a member vote for a member.

Any member or other person who willfully tampers with or attempts to disarrange, deface, impair or destroy in any manner whatsoever the electrical voting equipment used by the House, or who instigates, aids or abets with the intent to destroy or change the record of votes thereon shall be punished in such manner as the House determines.

A member who has been appointed by the Speaker to preside as Speaker pro tempore may designate either the Majority or Minority Whip to cast his or her vote on any question while presiding in accordance with instructions from the Chair.

The Chief Clerk shall post all votes by the electric roll call system on the Internet no later than the close of business on the day they are made.

A prime sponsor of a bill, the Minority Leader or Majority Leader or a member designated to act on their behalf may request that the roll call remain open for the maximum time allowed in accordance with this rule. During such roll call, no vote shall be recorded unless the member is at his or her regularly assigned seat.

## **RULE 67**

### **VERIFICATION AND CHALLENGE**

Upon completion of a roll call and before the result is announced, if there appears to be need for verification, the Speaker may direct the Clerk to verify it, or three members may demand a verification.

Any member may challenge in writing the yea or nay or electrically recorded vote of other members. The allegations made shall be investigated by a committee composed of the Speaker, a majority member and a minority member appointed by the Speaker, who shall submit a report to the House not later than its next session. The House shall then decide whether the challenged vote shall be recorded or not.

If the challenged vote would change the result, the announcement of the vote shall be postponed until the House decides the case.

## **RULE 68**

### **CHANGING VOTE**

No member may change a vote, or have a vote recorded after the result of a roll call vote has been announced, nor after an affirmative or negative roll has been declared verified.

## **RULE 69**

### **JOURNAL**

The Chief Clerk shall keep a Journal of the proceedings of the House, which shall be printed and shall be made available to the members.

The Journal of the proceedings of the last day's session shall not be read unless so ordered by a majority vote of the House.

## **RULE 70**

### **HISTORY OF HOUSE BILLS AND HOUSE RESOLUTIONS**

A weekly History, showing the title and action on House bills and the text and action on non-privileged resolutions, shall be compiled and indexed under the direction of the Chief Clerk and shall be printed and placed on each member's desk.

The House History shall include a cumulative index of laws enacted during the session and the text of

vetoed by the Governor.

## **RULE 71**

### **HOUSE CALENDAR**

Bills and non-privileged resolutions reported from committees to the House with an affirmative recommendation shall be listed on the calendar in such manner as prescribed by the Rules Committee and any other rule of the House. House bills and House resolutions shall precede Senate bills and Senate resolutions.

Bills and non-privileged resolutions shall be listed on the House Calendar for no more than 15 consecutive legislative days. At the end of the 15th consecutive legislative day the said bill or non-privileged resolution shall be automatically recommitted to the committee from which it was reported to the floor of the House.

Any bill or non-privileged resolution on the calendar which cannot, by its status, be recommitted shall be removed from the calendar and laid on the table, unless the House shall otherwise direct.

A marked calendar compiled by the Majority Leader shall be provided to all members on each legislative day on which votes are scheduled on the calendar.

## **RULE 72**

### **JOURNAL, TRANSCRIBING AND DOCUMENTS ROOMS**

No person, except members and employees of the House having official business, shall be permitted in the Transcribing, the Legislative Journal, and the Bills and Documents Rooms of the House without the consent of the Chief Clerk.

## **RULE 73**

### **CORRESPONDENTS**

Admission to and administration of the Press Galleries of the Senate and House of Representatives shall be vested in a Committee on Correspondents consisting of the President pro tempore of the Senate, or a designee; the Speaker of the House of Representatives, or a designee; the Supervisor of the Capitol Newsroom; the President of the Pennsylvania Legislative Correspondents' Association, or a designee and the Executive Director of the Pennsylvania Association of Broadcasters, or a designee.

Persons desiring admission to the press sections of the Senate and House of Representatives shall make application to the Chair of the Committee on Correspondents. Such application shall state the newspaper, press association or licensed radio or television station, its location, times of publication or hours of broadcasting, and



be signed by the applicant.

The Committee on Correspondents shall verify the statements made in such application, and, if the application is approved by the committee, shall issue a correspondent's card signed by the members of the committee.

The gallery assigned to newspaper correspondents or recognized press association correspondents or representatives of licensed radio and television stations, systems or newsgathering agencies shall be for their exclusive use and persons not holding correspondents cards shall not be entitled to admission thereto. Employees of the General Assembly, representatives and employees of state departments, boards, commissions and agencies, visitors and members of the families of correspondents entitled to admission to the press gallery shall, at no time, be permitted to occupy the seats or be entitled to the privileges of the press gallery.

Accredited representatives of newspapers, wire, newsreel services and licensed radio or television stations, systems or newsgathering agencies, may be authorized by the Speaker of the House to take photographs, make audio or video recordings or tapes, and to broadcast or televise in the House of Representatives. Applications to take photographs, make audio or video recordings or tapes, or to broadcast or televise at public hearings of committees shall be approved by the committee chair or co-chairs conducting such hearing. However, the committee chair conducting the hearing may make such orders to such representatives as may be necessary to preserve order and decorum.

No photographs shall be taken nor any recordings or tapes made, nor any broadcasting or televising done in the House of Representatives during sessions, being at ease or recessed, without prior notice to the Representatives. When possible, such notice shall be given at the beginning of the session, at ease or recess, during which the photographs, recordings or taping, broadcasting or televising are scheduled to be taken or made.

No more than one representative of each newspaper, press association or licensed radio or television station, system or newsgathering agency shall be admitted to the press gallery at one time. Members of the Pennsylvania Legislative Correspondents' Association and representatives of licensed radio and television stations, systems or newsgathering agencies, assigned to the House of Representatives on a daily basis shall have permanent assigned seating in the press gallery with identification plates. Visiting representatives of daily newspapers, press associations, Sunday newspapers as well as radio and television stations, systems or newsgathering agencies shall coordinate seating accommodations with the supervisor of the Capitol Newsroom.

Persons assigned to the press gallery on a permanent or temporary basis, shall at all times, refrain from loud

talking or causing any disturbance which tends to interrupt the proceedings of the House of Representatives.

Persons assigned to the press gallery on a permanent or temporary basis shall not walk onto the floor of the House of Representatives nor approach the rostrum or the clerks' desks during session or while being at ease.

Persons assigned to the press gallery on a permanent or temporary basis wishing to confer with a Representative shall disclose this fact by having a message delivered by a page to the Representative. Such conversation shall be conducted off the floor of the House of Representatives.

Representatives of the Pennsylvania Public Broadcasting System may, subject to regulations of the Speaker, televise or make video tapes of proceedings of sessions of the House of Representatives and meetings of all committees of the House of Representatives.

## **RULE 74**

### **VISITORS**

Visitors shall be admitted to the Hall of the House only when sponsored by a member. The Chief Clerk shall issue an appropriate pass to any visitor so sponsored.

Persons admitted to the Hall of the House other than members and attaches, shall not be permitted to stand while the House is in session but shall be seated in chairs provided for them. At no time shall visitors be permitted on the Floor of the House while the House is in session unless so permitted by the Speaker.

## **RULE 75**

### **LOBBYISTS**

No registered lobbyist shall be admitted to the Hall of the House.

## **RULE 76**

### **SOLICITING PROHIBITED**

No officer or employee of the House shall solicit any member, other officer or employee of the House for any purpose.

## **RULE 77**

### **SUSPENDING AND CHANGING RULES**

Unless otherwise specified in another rule, any rule of the House, which is not required by the Constitution, may be temporarily suspended at any time for a specific purpose only by a vote of two-thirds of the members

elected to the House by a roll call vote.

A motion to suspend the rules may not be laid on the table, postponed, committed or amended and may be debated by the majority leader, the minority leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration.

A brief description of the underlying bill or amendment shall be given whenever a member moves to suspend the rules of the House in order to consider such bill or amendment.

The existing rules of the House shall not be changed, added to, modified or deleted except by written resolution and the same approved by a majority vote of the members elected to the House by a roll call vote.

Except where such resolution originates with the Committee on Rules, no resolution proposing any change, addition, modification or deletion to existing House rules shall be considered until such resolution has been referred to the Committee on Rules, reported therefrom, printed, filed on the desk of each member and placed on the calendar.

Any proposed change, addition, modification or deletion offered by a member on the floor of the House to such resolution shall be considered, in effect, a change, addition, modification or deletion to existing House rules and shall require for approval a majority vote of the members by a roll call vote.

## **RULE 78**

### **PARLIAMENTARY AUTHORITY**

Mason's Manual supplemented by Jefferson's Manual of Legislative Procedure shall be the parliamentary authority of the House, if applicable and not inconsistent with the Constitution of Pennsylvania, the laws of Pennsylvania applicable to the General Assembly, the Rules of the House, the established precedents of the House and the established customs and usages of the House.

RESOLVED, That the Rules of the House of Representatives be amended by adding rules to read:

## **ETHICAL CONDUCT RULES OF THE HOUSE OF REPRESENTATIVES**

### **RULE 1 E**

#### **DEFINITIONS**

The following words and phrases when used in the Ethical Conduct Rules of the House of Representatives shall have the meanings given to them in this Rule unless the context clearly indicates otherwise:

"Campaign." An effort organized in support of or opposition to the nomination, election or re-election of an individual to elective office.

"Campaign activity." An activity on behalf of a candidate, political party, political committee, campaign, campaign committee, political organization or political body which is intended to influence the outcome of an election, including any of the following:

- (1) Organizing a campaign meeting, campaign rally or other campaign event, including a fund-raiser where campaign contributions are solicited or received.
- (2) Preparing or completing responses to questionnaires that are intended primarily for campaign use.
- (3) Preparing, reviewing or filing a campaign finance report.
- (4) Conducting background research on a candidate or an elected official to be used or intended to be used to influence the outcome of an election.
- (5) Preparing, conducting or participating in campaign polling.
- (6) Preparing, circulating or filing a candidate nominating petition or papers.
- (7) Participating in, preparing, reviewing or filing a legal challenge to a nominating petition or papers.
- (8) Preparing, distributing or mailing campaign literature, campaign signs or other campaign material on behalf of or in opposition to any candidate.
- (9) Managing a campaign.
- (10) Participating in, preparing, reviewing or filing documents in a recount, challenge or contest of an election.
- (11) Posting campaign-related information on a website or social media website.
- (12) Soliciting an individual's vote for a candidate.
- (13) Working at a polling place.

"Campaign contribution." A monetary or in-kind contribution made to a candidate or a campaign.

"Campaign polling." The preparation, compilation, collection or gathering of information, including focus groups and surveys, reflecting public opinion as to an elected official, group of elected officials, candidate, group of candidates, political party, political committee, campaign, campaign committee, political organization or political body that is intended to be used for the purpose of supporting or opposing the nomination, election or re-election of an individual to elective office.

"Committee." The Committee on Ethics of the House of Representatives.

"Candidate." An individual seeking nomination, election or re-election to an elective office.

"De minimus." An economic consequence which has an insignificant effect.

"Elected official." An individual elected by the public to serve a term in an elective office. The term shall include an individual appointed to fill an unexpired term in an elective office.

"Election." A general, special, municipal or primary election, including elections at which a candidate for elective office in a Federal governmental body is on the ballot.

"Elective office." A position in a governmental body to which an individual is required under the Constitution of Pennsylvania, the Constitution of the United States or by law to be elected by the public.

"Frivolous complaint." A complaint filed in a grossly negligent manner without basis in law or fact.

"House employee." The term includes the following:

(1) A person employed by the Office of the Speaker of the House of Representatives, the House Republican Caucus or the House Democratic Caucus.

(2) Except as otherwise precluded by law, an officer of the House or a person employed by an officer of the House.

"House office." Legislative offices and work spaces, including:

(1) An office assigned to a Member for the conduct of legislative duties, wherever located.

(2) House conference or meeting rooms located in the Capitol complex.

(3) A legislative district office.

(4) The offices of an officer of the House.

"House resources." House-owned or House-leased equipment including telephones, computer hardware or software, copiers, scanners, fax machines, file cabinets or other office furniture, cell phones, personal digital assistants or similar electronic devices, and office supplies.

"House work time." Compensated time spent in the performance of duties by a House employee.

"Independent counsel." An attorney engaged by the Committee for the purpose of investigating and prosecuting a specific complaint who shall not be employed during the investigation for any other purpose or in any other capacity by the House, the committee or a Member.

"Legislative nonprofit organization." A nonprofit corporation or other entity whose primary purpose is to receive funds under the General Appropriation Act or another appropriation act at the discretion or by reason of the influence of a Member for use at the discretion or direction of the Member.

"Majority of the Committee" or "majority." A majority of the Members to which the Committee is entitled.

"Mass communication." The term shall include, but not be limited to, the following if they are paid for with House funds:

(1) Any newsletter or similar mailing of more than 50 pieces a day in which the content of the matter is substantially identical.

(2) Any electronic mail transmission to more than 50 addresses per day in which the content of the matter is substantially identical.

(3) Any public service announcement via radio or television broadcast that depicts the name, voice or image of a Member.

(4) Any telemarketing activities or robocalls on behalf of a Member, except for limited surveys to determine public opinion on various issues that do not use the name, voice or image of a Member.

"Member." An individual elected to serve in the Pennsylvania House of Representatives.

"Officers of the House." The Chief Clerk, the Comptroller and the Parliamentarian of the Pennsylvania House of Representatives.

"Official mailing lists." Any list containing individuals, companies or vendors, including names, addresses, telephone numbers or e-mail addresses that are procured, compiled, maintained or produced with House funds.

"Own time." A House employee's time that is distinct from House work time and includes time that is spent on vacation/annual leave and personal leave. The term does not include compensatory leave.

"Restricted period." The 60-day period immediately preceding an election at which the Member is a candidate.

"Subject." A person against whom a complaint has been filed with the Committee.

## **RULE 2 E**

### **CONDUCT**

(1) No campaign activity may be conducted by a House employee on House work time. No campaign activity may be conducted in a House office or with House resources or House funds. The following shall apply:

(a) House employees are permitted to engage in campaign activities on their own time.

(b) The solicitation or receipt of campaign contributions in a House office, on House work time or with House resources is prohibited. If an unsolicited contribution is sent to a House office through the mail or in an unidentifiable form, the employee who receives it shall turn it over to the applicable campaign and,

within two business days, notify the donor, if known, that campaign contributions should not be sent or delivered to a House office.

(c) No House employee may be allocated any leave time for time spent engaging in campaign activities on his or her own time.

(d) A House employee, with the permission of his or her employer, may go on leave without pay or benefits to engage in campaign activities.

(e) A House employee who announces his or her candidacy for a House seat or files nomination petitions or papers or for whom a nomination certificate is filed to run for a House seat shall be put on leave without pay or benefits during the duration of his or her candidacy unless the employee voluntarily leaves House employment.

(f) De minimis campaign activities may be unavoidable for a Member or House employee in the course of their official duties and shall not be considered a violation of these ethical conduct rules. This includes the following activities:

(i) A Member or House employee may, in responding to inquiries from the public, need to address incidental questions that relate to a Member's or another person's campaign or a related legislative record.

(ii) A Member or House employee may provide scheduling assistance and information to campaign staff to ensure that no conflict occurs among the Member's campaign schedule, official schedule and personal schedule.

(iii) A Member or House employee may engage in political conversation in the natural course of personal communication.

(g) A Member's official State website or State social media website shall not contain a link to his or her campaign website or campaign social media website.

(h) No House employee may be required to make a campaign contribution as a condition of employment or continued employment.

(i) No House employee may be required to perform any campaign activity, on House work time or the employee's own time, as a condition of employment or continued employment.

(j) No House employee who agrees or offers to participate in a campaign activity on the employee's own time, or makes a campaign contribution, shall receive additional House compensation or employee

benefit in the form of a salary adjustment, bonus, compensatory time off, continued employment or any other similar benefit in return.

(k) A House employee who refuses to participate in a campaign activity or to make a campaign contribution shall not be sanctioned for that refusal.

(l) Official House mailing lists shall be used solely for legislative purposes and shall not be provided to a candidate, political party, political committee, campaign, campaign committee political organization or political body to be used for any campaign activity.

(m) House computers shall not be used to create or update any mailing list that identifies the listed individuals as campaign volunteers or campaign contributors to a candidate, political party, political committee, campaign or campaign committee, political organization or political body.

(n) No list may be developed by a Member or a House employee for the purpose of monitoring or tracking campaign activity or campaign contributions of a House employee.

(o) A Member shall not use campaign funds for any event that occurs inside any House office except to pay expenses related to receptions in honor of a Member's swearing-in to or retirement from the Pennsylvania House of Representatives.

(2) No mass communication shall be made at the direction or on behalf of any Member which is delivered to a postal facility or otherwise distributed during a restricted period. Nothing in this subsection shall apply to any mass communication:

(a) in response to inquiries or affirmative requests from persons to whom the matter is communicated,

(b) sent to colleagues in the General Assembly or other government officials, or

(c) which consists entirely of news releases to the communications media.

(3) No House employee may be required to perform any task unrelated to the House employee's official duties, on House work time or the employee's own time, as a condition of employment or continued employment.

(4) No House employee who agrees or offers to perform a task unrelated to the House employee's official duties, on the employee's own time, shall receive any additional House compensation or employee benefit in the form of a salary adjustment, bonus, compensatory time off, continued employment or any other similar benefit in return.



(5) A House employee who refuses to perform a task unrelated to the House employee's official duties while on House work time shall not be sanctioned for that refusal.

(6) No Member or House employee may accept a cash gift unless from a spouse, parent, parent by marriage, sibling, child, grandchild, other family member or friend when the circumstances make it clear that the motivation for the gift was a personal or family relationship. For the purposes of this paragraph, a "friend" shall not include a registered lobbyist or an employee of a registered lobbyist. Nothing under this paragraph shall prevent a Member or House employee from accepting a campaign contribution otherwise authorized by law.

(7) A Member shall not create, maintain or cause to be created or maintained a legislative nonprofit organization.

## **RULE 3 E**

### **COMMITTEE ON ETHICS**

The Committee shall consist of eight Members, four of whom shall be members of the majority party appointed by the Speaker, and four of whom shall be members of the minority party appointed by the Minority Leader. From the Members appointed to the Committee, the Speaker shall appoint a chair, vice-chair and secretary for the Committee. The chair shall be a member of the majority party, and the vice chair shall be a member of the minority party.

The members of the Committee shall first meet upon the call of the chair and perfect its organization. A majority of the Committee shall constitute a quorum for it to proceed to business. Unless otherwise provided in this rule, a majority of the Committee shall be required to take any action authorized by this rule. The Committee shall have the power to promulgate rules not inconsistent with this rule or Rules of the House that may be necessary for the orderly conduct of its business.

The chair of the Committee shall notify all members of the Committee at least 24 hours in advance of the date, time and place of meetings and, insofar as possible, the subjects on the agenda. Meetings may be called from time to time by the chair of the Committee as the chair deems necessary. A member of the Committee may request that the chair call a meeting for a specific purpose. If the chair refuses to call a meeting upon such request, a majority of the Committee may vote to call a meeting by giving two days' written notice to the Speaker of the House setting forth the time and place for such meeting. Such notice shall be read in the House and posted in the House Chamber by the Chief Clerk or a designee. Thereafter, the meeting shall be held at the time and place specified in such notice.

The Committee shall not continue to exist after sine die adjournment of the General Assembly. Proceedings on matters before the Committee that have not been concluded or disposed of by October 31 of the second year of a legislative term shall cease on such date and all documents, reports, communications, transcripts and other materials compiled by the Committee for such matters shall be collected, organized and submitted to the Chief Clerk under seal for transition to the reconstituted Committee consisting of Members appointed from the incoming General Assembly. These materials shall be held in a secure manner and nothing in this rule shall authorize the Chief Clerk or any other person to view such materials. Within 30 days following the reconstitution of the Committee in the next succeeding legislative term, the Committee shall review such materials and determine whether or not to proceed with one or more of the matters under review by the former Committee. Any time period required for any actions of the Committee or others under this rule shall be tolled until the reconstituted Committee has made a determination whether or not to proceed. If the Committee determines to proceed with a matter, the Committee shall continue from the stage in the consideration of the matter where the former Committee ended.

The Committee shall compile, update and distribute a Members' Handbook on Ethics for Members and House Employees on matters regarding the ethical conduct of their legislative duties. Each Member shall complete two hours of ethics education and training each legislative term. A Member shall be excused from one hour of ethics training for any full year the Member was absent due to illness, injury, military service or any other permissible excuse under General Operating Rule 64(a). The Committee shall be responsible for planning and offering ethics education programs.

The Committee shall issue to a Member upon the Member's request an advisory opinion regarding the Member's duties under Rule 2E relating to legislative nonprofit organizations. The opinion shall be issued within 14 days following the request. No Member who acts in good faith on an opinion issued under this paragraph shall be subject to any sanctions for so acting if the material facts are as stated in the request. Opinions issued under this paragraph shall be public records and may from time to time be published. Notwithstanding the foregoing, the Member requesting the opinion may request that an opinion undergo deletions and changes necessary to protect the identity of the persons involved, and the Committee shall make such deletions and changes.

The Committee may issue other advisory opinions with regard to questions pertaining to other legislative ethics or decorum at the request of a Member or House employee. An opinion issued under this paragraph shall be confidential and shall apply exclusively to the requestor. No requestor who acts in good faith on an opinion

issued under this paragraph shall be subject to any sanctions for acting in accordance with the opinion if the material facts are as stated in the request.

The Committee may receive complaints against Members and House employees alleging unethical conduct under the Legislative Code of Ethics or the Rules of the House. A complaint must be in writing and be signed by the person filing the complaint under penalty of law under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The complaint must set forth in detail the actions constituting the alleged unethical conduct. No person shall disclose or acknowledge to any other person any information relating to the filing of a complaint or the proposed filing of a complaint, except as otherwise authorized under this rule, for the purpose of seeking legal advice, as otherwise required by law or to carry out a function of the Committee.

The Committee shall not have jurisdiction over, shall not accept for review or action and shall return to the complainant with a notice explaining the Committee's lack of jurisdiction any of the following:

- (1) a complaint filed later than five years following the occurrence of the alleged unethical conduct;
- (2) a complaint filed against a former Member or former House employee unless required by Section 7(c) of the Legislative Code of Ethics; or
- (3) a complaint filed against a Member during a restricted period.

A five-year limitations period that expires during a restricted period shall be tolled until the day following the election occurring at the expiration of the restricted period.

Within 30 days following receipt of a complaint over which the Committee has jurisdiction under this rule, the Committee shall do one of the following:

- (1) dismiss the complaint if it:
  - (a) alleges facts that do not constitute unethical conduct;
  - (b) is objectively baseless;
  - (c) is insufficient as to form;
  - (d) is a frivolous complaint; or
- (2) initiate a preliminary investigation of the alleged unethical conduct.

If the Committee initiates a preliminary investigation, it shall, promptly upon voting to proceed, send the subject a letter setting forth each allegation in the complaint. Within 15 days after receipt of the letter, the subject may file a written response with the Committee. Failure of the subject to file a response shall not be deemed to be an admission, or create an inference or presumption, that the allegations in the complaint are true, and such failure shall not prohibit the Committee from either proceeding with the preliminary or a formal

investigation or dismissing the complaint. The Committee may engage an independent counsel to assist in a preliminary investigation. The subject may be represented by counsel of the subject's choosing at any point during an investigation under this rule.

A member of the Committee who is the complainant, the subject or a witness to the conduct alleged in a complaint shall not participate in any Committee consideration of the complaint. The Member shall be temporarily replaced on the Committee in a like manner as his or her original appointment.

Within 30 days following the initiation of a preliminary investigation, the Committee shall vote to dismiss the complaint for lack of probable cause to support the alleged conduct or to proceed with a formal investigation because it finds that probable cause exists. If a majority of the Committee is unable to agree on either course of action, the Committee shall dismiss the complaint. The Committee shall promptly notify the subject in writing of the result.

If the Committee votes to proceed with a formal investigation, the Committee shall engage an independent counsel unless the Committee determines that the alleged conduct raised in the complaint does not warrant the expense of engaging an independent counsel. If the Committee does not engage an independent counsel, the Committee shall be represented in the investigation and any hearing conducted under this rule by Committee staff attorneys, including at least one from each party.

The Committee, including Committee staff attorneys, and any independent counsel engaged by the Committee shall have the power to conduct investigations and hearings under the guidelines set out in this rule. Where a provision of this rule conflicts with another Rule of the House, the provision of this rule shall govern. This rule shall be construed to empower the Committee and its independent counsel to do all of the following:

- (1) act as a neutral fact-finder;
- (2) protect due process and other constitutional rights of a subject;
- (3) fully investigate and deter unethical conduct; and
- (4) protect the public trust.

The Chief Clerk shall pay the fees and expenses of an Independent Counsel engaged by the Committee under this rule.

The Committee may issue subpoenas for documents or testimony as part of a preliminary investigation, a formal investigation or in connection with a hearing before the Committee. Notwithstanding the provision of any other Rule of the House, subpoenas issued under this rule shall be in the name of the Committee, shall be signed by the chair of the Committee and shall be attested by another member of the Committee who voted in

favor of authorizing the subpoena.

A subpoena issued by the Committee may be served upon any person and shall have the force and effect of a subpoena issued out of the courts of this Commonwealth. Subpoenas shall be served by the Sergeant-at-Arms of the House or another person designated by the Committee when directed to do so by the Committee. Each subpoena shall be addressed to the witness and shall state that such proceeding is before a Committee of the House for which the witness is required to attend and testify at a specified time and place; or to produce books, papers, records, accounts, reports, documents and data and information produced and stored by any electronic data processing system; or both, as the Committee may also require. Mileage and witness fees shall be paid by the House to such witness in an amount prescribed by law. Unless addressed to and served on the subject, a copy of a subpoena issued by the Committee shall be provided to the subject and the subject's counsel, if applicable. A person who willfully neglects or refuses to comply with a subpoena issued by the Committee shall be subject to the penalties provided by the laws of this Commonwealth with respect to such willful neglect or refusal. Notwithstanding the foregoing, a recipient of a subpoena issued by the Committee may object to the subpoena by serving notice of such objection on the signatory to the subpoena and the Committee. The Committee may quash or modify the subpoena if it finds the subpoena to be overly broad or without proper purpose. Each member of the Committee shall have the power to administer oaths and affirmations to witnesses appearing before the Committee.

All subpoenaed books, papers, records, accounts, reports, documents, data and information shall be returned to the person from whom such material was subpoenaed when the Committee has completed its examination of such material, but in no event later than the date of final disposition of the matter.

Following the completion of a formal investigation, the Committee shall conduct a hearing if:

- (1) the independent counsel engaged by the Committee recommends that a hearing be conducted and the Committee votes to adopt the recommendation; or
- (2) an independent counsel was not engaged by the Committee but the Committee finds that the testimony and documents reviewed by the Committee during the formal investigation indicates more likely than not that the unethical conduct alleged in the complaint occurred.

If a hearing is to be conducted, the Committee shall provide the subject and the subject's counsel, if applicable, with written notice consistent with constitutional principles of due process. The Pennsylvania Rules of Evidence shall apply during the hearing, unless the Committee determines otherwise. Notwithstanding the foregoing, the Committee may not infringe on the right of the subject to present evidence, cross-examine

witnesses, face his or her accuser and be represented by counsel at a hearing conducted under this rule.

Witnesses called to appear at a hearing under this rule, including a subject, may be accompanied by his or her own counsel for the purpose of advising him or her concerning his or her constitutional rights. Counsel may interpose legal objection to any and all questions which in the opinion of counsel may violate the constitutional rights of his or her clients.

The proceedings of a hearing conducted under this rule shall be either stenographically or electronically recorded. The Committee shall determine which parts of such recorded proceedings, if any, shall be transcribed.

The burden shall be on the independent counsel, if one has been engaged by the Committee, or the Committee staff attorneys, if an independent counsel has not been engaged, to prove, by clear and convincing evidence, that the unethical conduct alleged in the complaint occurred. Within 30 days following the conclusion of the formal investigation and hearing, the Committee shall make a determination as to whether the burden was met and shall submit its finding to the House. If the Committee finds that the burden was met, the Committee may make one or more of the following recommendations to the House:

- (1) a reprimand of the subject;
- (2) a censure of the subject;
- (3) expulsion of the subject from the House; or
- (4) the denial or limitation of any right, power or privilege of the Member granted by Rules of the House and not contrary to the Pennsylvania Constitution.

The Committee shall provide a written report of its findings and recommendations, if any, to the subject and shall simultaneously submit a copy of the same to the House. Only findings and recommendations agreed to by a majority of the Committee shall be included in the report. The report may include a minority report. The House shall not take any action on the findings and recommendations submitted by the Committee and shall not make such findings and recommendations public until a period of at least seven days has passed following the Committee's provision of the report to the subject.

The Committee may extend any of the time periods, other than those relating to the jurisdiction of the Committee, required for any actions of the Committee or others under this rule.

Investigations, hearings and meetings of the Committee relating to an investigation and the existence of such investigations, hearings, and meetings shall be confidential. All other meetings of the Committee shall be open to the public.

Notwithstanding the above, the Committee shall conduct a hearing in public upon the written request of the

subject unless the Committee determines that evidence or testimony to be received at the hearing may substantially defame, degrade, or incriminate a person other than the subject. In that event, the Committee shall receive such evidence or testimony in executive session. No evidence or testimony taken in executive session may be released to any person or authority or used in public sessions without the consent of the Committee.

The Committee may enter into a consent agreement with the subject at any point in the proceedings.

The complaint, response and records of the Committee shall be confidential. Notwithstanding the foregoing:

(1) consent agreements and final findings by the Committee of unethical conduct and the Committee's recommendations with respect to such findings shall not be confidential; and

(2) the subject may, in his or her discretion, make public a finding by the Committee that no unethical conduct had occurred or that there was insufficient evidence presented to the Committee that unethical conduct had occurred.

Any member of the Committee breaching the confidentiality provisions set forth in this rule shall be removed immediately from the Committee and replaced by another Member in a like manner as his or her original appointment.

The Committee may meet with a committee of the Senate to hold investigations or hearings involving complaints against employees of the two chambers jointly or officers or employees of the Legislative Reference Bureau, the Joint State Government Commission, the Local Government Commission, the Legislative Budget and Finance Committee, the Legislative Data Processing Committee or other legislative service agencies. No action may be taken at a joint meeting unless it is approved by the Committee. A member of the Committee who is the complainant, the subject or a witness to the unethical conduct alleged in a complaint under this paragraph shall not participate in any joint proceedings under this paragraph. The Member shall be temporarily replaced on the Committee in a like manner as his or her original appointment.

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