

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 403 Session of 2024

INTRODUCED BY BRADFORD, APRIL 19, 2024

REFERRED TO COMMITTEE ON RULES, APRIL 19, 2024

A RESOLUTION

1 Amending the General Operating Rules of the House of
2 Representatives, providing for member incapacity inquiries.

3 RESOLVED, That General Operating Rules of the House of
4 Representatives be amended by adding a rule to read:

5 RULE 46 (a)

6 Committee on Rules Subcommittee

7 Incapacity Inquiries

8 The Committee on Rules Subcommittee shall consist of the
9 Speaker, Majority Leader, Majority Caucus Chair, Minority Leader
10 and Minority Caucus Chair. The Majority Leader shall serve as
11 the chair and the Minority Leader shall serve as the vice chair.

12 An incapacity inquiry may be initiated by the Floor Leader of
13 the party of the subject member by filing a confidential request
14 for an incapacity inquiry before the subcommittee. A
15 confidential request for an incapacity inquiry shall be filed
16 with the Floor Leader of the opposite party and shall include
17 the following information:

18 (1) The name of the House member for whom an incapacity

1 inquiry is sought.

2 (2) The reason for the request for an incapacity inquiry.

3 (3) Any additional information that the respective Floor
4 Leader believes would be helpful and appropriate to share
5 regarding the request.

6 Following the filing of a request for an incapacity inquiry,
7 the subcommittee shall conduct an incapacity inquiry to
8 determine whether a member suffers from a temporary or permanent
9 impairment, physical or mental, rendering a member unable to
10 discharge the duties of office, including substance abuse or
11 impairment of cognitive abilities that renders the member unable
12 to perform the duties or functions of office.

13 The chair of the subcommittee, after consultation with the
14 vice chair, shall determine a date for an initial confidential
15 meeting of the subcommittee. The initial meeting shall be held
16 within 30 days following receipt of a request. The chair of the
17 subcommittee shall notify all members at least 24 hours in
18 advance of the date, time and place of all meetings regarding an
19 incapacity inquiry unless the chair and vice chair agree the
20 meeting should be held earlier under the circumstances. If the
21 subcommittee determines it will proceed with an incapacity
22 inquiry, the subcommittee shall promptly provide notice of the
23 inquiry to the subject member. The subject member may
24 participate in the inquiry and may be represented by counsel.

25 The subcommittee may take or direct whatever action it deems
26 necessary or proper to determine incapacity, including a
27 direction for an examination of the member by qualified medical
28 or psychological experts designated by the subcommittee. The
29 subject member shall furnish written consent to the release of
30 information and records relating to the incapacity if requested

1 by the subcommittee or appointed medical or psychological
2 experts. The subcommittee may issue subpoenas for documents or
3 direct examination of witnesses as part of an incapacity inquiry
4 by a majority vote of the subcommittee. Notwithstanding a
5 provision of any other rule of the House, subpoenas issued under
6 this rule shall be in the name of the subcommittee, shall be
7 signed by the chair of the subcommittee and shall be attested by
8 another member of the subcommittee who voted in favor of
9 authorizing the subpoena. A subpoena issued by the subcommittee
10 may be served upon any person and shall have the force and
11 effect of a subpoena issued out of the courts of this
12 Commonwealth. Subpoenas shall be served by any person designated
13 by the subcommittee when directed to do so by the subcommittee.
14 Each subpoena shall be addressed to the witness and shall state
15 that such proceeding is before the House Committee on Rules
16 Subcommittee for which the witness is required to attend at a
17 specified time and place, or to produce books, papers, records,
18 accounts, reports, documents and data and information produced
19 and stored by any electronic data processing system, or both, as
20 the subcommittee may also require. Mileage and witness fees
21 shall be paid by the House to such witness in an amount
22 prescribed by law. Unless addressed to and served on the subject
23 member of an incapacity inquiry, a copy of a subpoena issued by
24 the subcommittee shall be provided to the subject member and the
25 subject member's counsel, if applicable. A recipient of a
26 subpoena issued by the subcommittee may object to the subpoena
27 by serving notice of such objection on the signatory to the
28 subpoena and the subcommittee. The subcommittee may modify the
29 subpoena if it finds the subpoena to be overly broad or without
30 proper purpose. The chair and vice chair of the subcommittee

1 shall have the power to administer oaths and affirmations to
2 witnesses appearing before the Committee. The subcommittee may
3 seek enforcement of the subpoena in a court of competent
4 jurisdiction. A person who willfully neglects or refuses to
5 comply with a subpoena issued by the subcommittee shall be
6 subject to the penalties provided by the laws of this
7 Commonwealth with respect to such willful neglect or refusal.

8 All subpoenaed books, papers, records, accounts, reports,
9 documents, data and information shall be returned to the person
10 from whom such material was subpoenaed when the subcommittee has
11 completed its examination of such material, but in no event
12 later than the date of final disposition of the matter. All
13 meetings and materials related to the inquiry and the existence
14 of such inquiry shall not be open to the public and shall be
15 confidential. The subcommittee shall only have jurisdiction over
16 incapacity inquiries and shall not accept for review or action
17 any other matters.

18 If a majority of the members of the subcommittee determines
19 that the subject member is incapacitated and unable to perform
20 the duties or functions of office, the subcommittee may make one
21 or more of the following recommendations to the House, as
22 appropriate based on the circumstances, the nature of the
23 incapacity and the probable length of the period of incapacity:

24 (1) The denial or limitation of any right, power or
25 privilege of the subject member granted by Rules of the House
26 and not contrary to the Constitution of Pennsylvania.

27 (2) Suspension of the member with or without pay.

28 (3) Expulsion of the member from the House.

29 The subcommittee shall provide a written report of its
30 findings and recommendations, if any, to the subject member and

1 shall simultaneously submit a copy of the same to the House.
2 Only findings and recommendations agreed to by a majority of the
3 subcommittee shall be included in the report.

4 A member who has been determined to be incapacitated by the
5 House and subject to either:

6 (1) The denial or limitation of any right, power or
7 privilege granted by the Rules of the House; or

8 (2) Suspension with or without pay
9 may petition the subcommittee for reconsideration based on the
10 member's completion of a program of treatment related to
11 incapacity.

12 A member of the subcommittee who is the subject member of the
13 inquiry may not participate in the inquiry as a member of the
14 subcommittee and, for purposes of the subcommittee's inquiry
15 into the subject member, shall be replaced on the subcommittee
16 with another member of leadership from the same party as the
17 member removed who shall be selected by the Floor Leader of the
18 party of the member.