

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 44 Session of 2023

INTRODUCED BY TWARDZIK, BARTON, STEHR AND WATRO, MARCH 23, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JULY 7, 2023

A RESOLUTION

1 Appointing and empowering the Judiciary Committee to conduct an
2 investigation.

3 WHEREAS, HOUSE RESOLUTION NO. 99 OF 2021-2022 ("HOUSE <--
4 RESOLUTION NO. 99") WAS REFERRED TO THE HOUSE JUDICIARY
5 COMMITTEE ON MAY 7, 2021; AND

6 WHEREAS, HOUSE RESOLUTION NO. 99 UNANIMOUSLY PASSED THE HOUSE
7 JUDICIARY COMMITTEE ON JUNE 25, 2021; AND

8 WHEREAS, THE FULL HOUSE UNANIMOUSLY PASSED HOUSE RESOLUTION
9 NO. 99 ON NOVEMBER 10, 2021; AND

10 WHEREAS, HOUSE RESOLUTION NO. 99 AUTHORIZED AND EMPOWERED THE
11 SUBCOMMITTEE ON COURTS TO MAKE RECOMMENDATIONS TO THE HOUSE
12 JUDICIARY COMMITTEE AND DETERMINE WHETHER GEORGE F. HALCOVAGE,
13 JR., IS LIABLE TO IMPEACHMENT FOR MISBEHAVIOR IN OFFICE; AND

14 WHEREAS, HOUSE RESOLUTION NO. 99 AUTHORIZED THE HOUSE
15 JUDICIARY COMMITTEE TO REPORT TO THE HOUSE OF REPRESENTATIVES
16 THE CONCLUSIONS OF THE SUBCOMMITTEE WITH RESPECT TO THE
17 INVESTIGATION AND DETERMINATION WITH ITS APPROPRIATE
18 RECOMMENDATIONS; AND

1 WHEREAS, THE HOUSE JUDICIARY COMMITTEE SUBCOMMITTEE ON COURTS
2 FIRST MET ON JANUARY 11, 2021, AND VOTED TO BEGIN AN
3 INVESTIGATION OF GEORGE F. HALCOVAGE, JR.; AND

4 WHEREAS, THE SUBCOMMITTEE CONDUCTED A HEARING ON SEPTEMBER
5 15, 2022, IN EXECUTIVE SESSION TO TAKE TESTIMONY FROM INVOLVED
6 PARTIES WHO HAVE FILED A FEDERAL LAWSUIT AGAINST COMMISSIONER
7 HALCOVAGE; AND

8 WHEREAS, THE SUBCOMMITTEE HELD ITS NEXT MEETING ON SEPTEMBER
9 19, 2022, AND VOTED TO EXTEND THE INVESTIGATION; AND

10 WHEREAS, THE SUBCOMMITTEE ALSO VOTED TO MAKE A CRIMINAL
11 REFERRAL TO THE PENNSYLVANIA ATTORNEY GENERAL; AND

12 WHEREAS, THE SUBCOMMITTEE COLLECTED A SIGNIFICANT NUMBER OF
13 DOCUMENTS, CONDUCTED MANY INTERVIEWS AND RECEIVED COMMUNICATION
14 FROM MANY ELECTED OFFICIALS FROM SCHUYLKILL COUNTY SEEKING
15 COMMISSIONER HALCOVAGE'S REMOVAL FROM OFFICE BY IMPEACHMENT; AND

16 WHEREAS, THE SUBCOMMITTEE ON COURTS AUTHORIZED UNDER HOUSE
17 RESOLUTION NO. 99 FAILED TO COMPLETE ITS INVESTIGATION OR SUBMIT
18 A REPORT OR RECOMMENDATIONS PRIOR TO THE HOUSE OF
19 REPRESENTATIVES ADJOURNING SINE DIE ON NOVEMBER 30, 2022; AND

20 WHEREAS, ADJOURNMENT SINE DIE HAS THE EFFECT OF CLOSING THE
21 SESSION AND TERMINATING ALL UNFINISHED BUSINESS BEFORE THE
22 HOUSE, AND ALL LEGISLATION PENDING UPON ADJOURNMENT SINE DIE
23 EXPIRES WITH THE SESSION; AND

24 WHEREAS, HOUSE RESOLUTION NO. 99 AND THE POWERS IT BESTOWED
25 UPON THE HOUSE JUDICIARY COMMITTEE AND THE SUBCOMMITTEE ON
26 COURTS EXPIRED AT THE END OF THE 206TH SESSION OF THE
27 PENNSYLVANIA GENERAL ASSEMBLY; AND

28 WHEREAS, THE COMPOSITION OF THE SUBCOMMITTEE ON COURTS FOR
29 THE CURRENT LEGISLATIVE SESSION IS SIGNIFICANTLY DIFFERENT FROM
30 LAST SESSION; AND

1 WHEREAS, THE SUBCOMMITTEE CHAIRPERSONSHIP HAS SHIFTED FROM
2 THE HOUSE REPUBLICAN CAUCUS TO THE MAJORITY HOUSE DEMOCRATIC
3 CAUCUS; THEREFORE BE IT

4 RESOLVED, THAT ALL PAPERS, DOCUMENTS, TESTIMONY, REPORTS AND
5 OTHER MATERIALS GATHERED BY THE SUBCOMMITTEE ON COURTS DURING
6 THE 206TH LEGISLATIVE SESSION BE INCORPORATED BY REFERENCE AND
7 UTILIZED BY THE SUBCOMMITTEE CREATED UNDER THIS RESOLUTION IN
8 THE 207TH LEGISLATIVE SESSION; AND BE IT FURTHER

9 RESOLVED, THAT THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
10 THE HOUSE JUDICIARY COMMITTEE ALONG WITH THE MEMBERS OF THE
11 SUBCOMMITTEE BE GIVEN ACCESS TO ALL INVESTIGATION MATERIALS
12 PRODUCED UNDER HOUSE RESOLUTION NO. 99 AS WELL AS ALL MATERIALS
13 PRODUCED UNDER THIS RESOLUTION; AND BE IT FURTHER

14 RESOLVED, By the House of Representatives, that the Judiciary
15 Committee of the House of Representatives be authorized to
16 investigate the conduct of the Honorable George F. Halcovage,
17 Jr., a County Commissioner for Schuylkill County, to determine
18 whether George F. Halcovage, Jr., is liable to impeachment for
19 misbehavior in office and to report to the House of
20 Representatives the conclusions of the committee with respect to
21 the investigation and determination with its appropriate
22 recommendations; and be it further

23 RESOLVED, That the Judiciary Committee of the House of
24 Representatives be authorized and empowered to:

25 (1) send for individuals and papers and subpoena
26 witnesses, documents and other materials under the hand and
27 seal of the chairperson;

28 (2) administer oaths to witnesses;

29 (3) take testimony;

30 (4) prepare and file pleadings and other legal

1 documents; ~~and~~ <--

2 (5) CONDUCT INTERVIEWS AND TAKE STATEMENTS AND ANY OTHER <--
3 INVESTIGATIVE STEP AS DETERMINED BY THE CHAIRPERSON; AND

4 ~~(5)~~ (6) employ COUNSEL, INCLUDING OUTSIDE COUNSEL, AND <--
5 staff for the use of the Judiciary Committee and the
6 Subcommittee on Courts;

7 and be it further

8 RESOLVED, That the Judiciary Committee of the House of
9 Representatives designate the Subcommittee on Courts to take
10 testimony, review documents or other materials and interview
11 witnesses for the use of the Judiciary Committee; and be it
12 further

13 RESOLVED, That the Subcommittee on Courts be authorized and
14 empowered to make recommendations to the Judiciary Committee of
15 the House of Representatives and, in the performance of its
16 duties, may:

17 (1) send for individuals and papers and subpoena
18 witnesses, documents and other materials under the seal of
19 the subcommittee chairperson;

20 (2) administer oaths to witnesses;

21 (3) take testimony; and

22 (4) prepare and file pleadings and other legal
23 documents;

24 and be it further

25 RESOLVED, That a Sergeant-at-Arms or his deputy ~~shall~~ serve <--
26 the process of the Judiciary Committee of the House of
27 Representatives and Subcommittee on Courts and execute their
28 orders; and be it further

29 RESOLVED, That the Judiciary Committee of the House of
30 Representatives and Subcommittee on Courts ~~are~~ BE authorized to <--

1 sit during the sessions of the House of Representatives; and be
2 it further

3 RESOLVED, That the expenses of the investigation ~~shall~~ be <--
4 paid by the Chief Clerk from appropriation accounts under the
5 Chief Clerk's exclusive control and jurisdiction upon a written
6 request approved by the Speaker of the House of Representatives,
7 the Majority Leader of the House of Representatives or the
8 Minority Leader of the House of Representatives; AND BE IT <--
9 FURTHER

10 RESOLVED, THAT THE SUBCOMMITTEE SUBMIT A FINAL REPORT AND
11 RECOMMENDATIONS TO THE HOUSE JUDICIARY COMMITTEE WITHIN NINE
12 MONTHS OF THE ADOPTION OF THIS RESOLUTION OR REQUEST AN
13 EXTENSION, AND THAT AN EXTENSION NOT EXTEND BEYOND THE END OF
14 THE CURRENT LEGISLATIVE SESSION.