

(Senate Resolution 359, adopted October 21, 2024)

A RESOLUTION

Proposing a special rule of practice and procedure in the Senate when sitting on the refusal to comply with a subpoena issued by a Senate standing committee.

RESOLVED, That the Senate adopt the following special rule:

**RULE OF PRACTICE AND PROCEDURE
IN THE SENATE
WHEN SITTING ON
REFUSAL TO COMPLY WITH SUBPOENA ISSUED
BY STANDING COMMITTEE**

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**SECTION 1
PRESENTATION**

(a) Request.--At the date and time directed by a resolution which calls a person to the well of the Senate for questioning regarding non-compliance of a subpoena, the Majority Leader shall be recognized by the presiding officer for the purpose of requesting the presentment of the non-complying person to the Senate by the Sergeant-at-Arms.

(b) Escort.--Upon the Majority Leader's request for presentment, the presiding officer shall call the Sergeant-at-Arms to escort the non-complying person and any counsel to the well of the Senate at the place provided by the President Pro Tempore.

(c) Identification.--The non-complying person and any counsel so presented shall identify themselves, and the identifications shall be entered in the Legislative Journal.

**SECTION 2
EXHIBITION OF RESOLUTION AND APPEARANCE LETTER**

Upon presentment of the non-complying person to the Senate, the resolution adopted by the Senate on the refusal to comply with a subpoena shall be read by the Reading Clerk to the body of the Senate. Any

communication issued by the Secretary-Parliamentarian to the non-complying person directing the appearance before the Senate shall be read by the Reading Clerk to the body of the Senate.

SECTION 3 OATH

(a) Form.--Upon exhibition of the resolution adopted by the Senate on the refusal to comply with a subpoena and communication to appear, an oath shall be provided to the non-complying person in the following form:

I, _____, do swear (or affirm as the case may be) that the testimony that I shall give in the matter now before the Senate, shall be the truth, the whole truth and nothing but the truth: (So help me God).

(b) Administration.--The oath shall be administered by the Secretary of the Senate or another authorized individual.

SECTION 4 INTERROGATION

(a) Majority Leader.--The Majority Leader shall be recognized by the presiding officer to interrogate the non-complying person. The Majority Leader shall direct each question to the person, and the person shall answer or recognize counsel to answer the question.

(b) Minority Leader.--Upon completion of the interrogation under subsection (a), the presiding officer shall recognize the Minority Leader, who may interrogate the person. The Minority Leader shall direct each question to the person, and the person shall answer or recognize counsel to answer the question.

(c) Chair of standing committee.--Upon completion of the interrogation under subsection (a) and any interrogation under subsection (b), the presiding officer shall recognize the Chair of the standing committee from which the subpoena was issued, who may interrogate the person. The Chair shall direct each question to the person, and the person shall answer or recognize counsel to answer the question.

(d) Minority Chair of standing committee.--Upon completion of any interrogation under subsection (c), the presiding officer shall recognize the Minority Chair of the standing committee from which the subpoena was issued, who may interrogate the person. The Minority Chair shall direct each question to the person, and the person shall answer or recognize counsel to answer the question.

(e) Minority Leader for second time.--Upon completion of any interrogations under subsections (c) and (d), upon request, the presiding officer shall recognize the Minority Leader for a second opportunity to interrogate the person.

(f) Majority Leader for second time.--At the conclusion of any interrogations under subsections (c), (d) and (e), upon request, the presiding officer shall recognize the Majority Leader for a second opportunity to interrogate the person.

(g) Conclusion.--At the conclusion of all interrogations, the Sergeant-at-Arms shall come to the well of the Senate and shall escort the person and counsel from the Senate.

SECTION 5 SCOPE OF INTERROGATION

The scope of interrogation of the non-complying person shall be limited to the subject matter of the resolution adopted by the Senate on the refusal to comply with a subpoena.

SECTION 6 APPEARANCE

The appearance or nonappearance of the non-complying person, either personally or by counsel, shall be recorded in the Legislative Journal.

SECTION 7 PREPARATION AND FORM OF PROCEEDINGS

(a) Authority.--The President Pro Tempore shall direct the necessary preparations in the Senate Chamber and the form of proceedings.

(b) Evidence.--The presiding officer shall rule on all questions of evidence, including relevance, materiality and redundancy of evidence and incidental questions. Except as set forth in subsection (c), a ruling under this subsection shall stand as the judgment of the Senate.

(c) Vote.--On a ruling under subsection (b), a vote may be taken as follows:

(1) The Majority Leader or the Minority Leader may request a formal vote on the ruling.

(2) The presiding officer may submit the ruling for a vote.

(3) Upon request under paragraph (1) or submission under paragraph (2), the vote shall be taken under the Rules of the Senate immediately. Debate is not permitted.

(4) The result of the vote shall stand as the judgment of the Senate.

SECTION 8 COUNSEL

Counsel for the non-complying person shall be admitted to appear and be heard on the resolution adopted by the Senate on the refusal to comply with a subpoena. Counsel must be admitted to practice law by a court of record of the Commonwealth.

SECTION 9 CONTROLLING RULES

Unless contrary to the special rules of practice and procedure adopted by this resolution, the Rules of the Senate of Pennsylvania (2023-2024) and Mason's Manual of Legislative Procedure (2020) shall be controlling.