

Senate of Pennsylvania



HARRISBURG, PA

In the Senate, December 9, 2015

A RESOLUTION

Adopting rules of procedure governing the forthcoming due notice to Kathleen G. Kane, Attorney General of the Commonwealth of Pennsylvania, and a full hearing as required under Article VI, Section 7 of the Pennsylvania Constitution.

Whereas, On September 21, 2015, the Pennsylvania Supreme Court issued an order to temporarily suspend Pennsylvania Attorney General Kathleen G. Kane's license to practice law for an indefinite period of time; and

Whereas, On October 22, 2015, the order became effective and Attorney General Kathleen G. Kane's law license was suspended; and

Whereas, On October 26, 2015, the Senate established the bipartisan Special Committee on Senate Address to pursue possible Senate address related to Attorney General Kathleen G. Kane under Article VI, Section 7 of the Pennsylvania Constitution; and

Whereas, During November 2015, the Special Committee conducted hearings taking sworn testimony and receiving evidence to determine whether there is a sufficient basis for the Senate to move forward with due notice to Attorney General Kathleen G. Kane and a full hearing under Article VI, Section 7 of the Pennsylvania Constitution; and

Whereas, On November 25, 2015, the Special Committee completed and published its report finding that:

- (1) the Senate is vested with the constitutional authority under Article VI, Section 7 of the Pennsylvania Constitution to direct the Governor to remove an Attorney General for reasonable cause, following due notice and full hearing, on the address of two-thirds of the Senate; and

- (2) while making no specific finding on direct removal, a sufficient basis exists for the Senate to move forward with due notice to Attorney General Kathleen G. Kane and a full hearing under Article VI, Section 7 of the Pennsylvania Constitution; therefore be it

Resolved, That the Senate:

- (1) order the Senate Sergeant-at-Arms or his designees to serve this resolution and the Special Committee Report, with all exhibits, upon Attorney General Kathleen G. Kane on or before December 11, 2015, at 5 p.m. to provide her due notice of the formal proceedings now initiated;
- (2) proclaim that Attorney General Kathleen G. Kane's full hearing is scheduled for January 12, 2016, at 1 p.m. in Hearing Room 1 of the North Office Building at the Pennsylvania Capitol Complex;
- (3) proclaim that the full hearing under Article VI, Section 7 of the Pennsylvania Constitution shall take place before the Special Committee on Senate Address, shall be open to the public and shall focus solely on examining Attorney General Kathleen G. Kane's ability to perform the duties of her office with a suspended law license;
- (4) proclaim that Attorney General Kathleen G. Kane or her counsel may file a written response to the Special Committee Report, its exhibits or any part thereof with the President pro tempore and the Chair of the Special Committee on Senate Address any time prior to 12 noon on January 11, 2016; and

- (5) adopt a set of rules to govern the hearing as follows:

Rules of Procedure

For a Full Hearing

Pursuant to Article VI, Section 7 of the Pennsylvania Constitution

I. FORMAT OF HEARING

- (1) The Secretary-Parliamentarian of the Senate shall prepare the record of the hearing in the same manner as the legislative proceedings of the Senate.
- (2) Attorney General Kathleen G. Kane shall have the right to appear before the Special Committee to offer testimony, submit a sworn or unsworn statement, submit third party affidavits and/or produce documents related solely to her ability to perform the duties of her office with a suspended law license and to answer questions posed by Special Committee members. Counsel shall appear before the Special Committee with Attorney General Kathleen G. Kane and be heard upon receipt by the President pro tempore of the Senate and the Chair of the Special Committee of her written authorization appointing counsel to appear with her and to speak on her behalf.

- (3) If Attorney General Kathleen G. Kane does not elect to appear personally before the Special Committee, she may appoint counsel to represent her and appear on her behalf before the Special Committee. Counsel shall appear and be heard upon receipt by the President pro tempore of the Senate and the Chair of the Special Committee of Attorney General Kathleen G. Kane's written authorization appointing counsel to speak on her behalf.
- (4) Attorney General Kathleen G. Kane or her counsel shall have the right to present documentary evidence.
- (5) Should Attorney General Kathleen G. Kane or her counsel fail to appear or participate in person, the Special Committee shall proceed with its full hearing.

II. ADDITIONAL DOCUMENTS OR INFORMATION

Upon conclusion of the full hearing, Attorney General Kathleen G. Kane or her counsel shall be permitted to submit additional documents or information prior to January 15, 2016, at 5 p.m. Additional documents or information requested during the hearing by members of the Special Committee shall be submitted to the President pro tempore and the Chair of the Special Committee along with any other documents or information pertinent to the focus of the hearing pursuant to Rule I(2) of this resolution which Attorney General Kathleen G. Kane believes would be helpful to the Special Committee members. The Chair of the Special Committee shall immediately distribute copies of all documents or information provided under this paragraph to members of the Special Committee.

III. REPORT

No later than 15 days following the conclusion of the hearing, the Special Committee shall submit a report to the President pro tempore and the Secretary-Parliamentarian of the Senate, which shall include, but not be limited to, the official transcript of the hearing and the written documents submitted by, or on behalf of, Attorney General Kathleen G. Kane. Copies of the report shall be distributed to every member of the Senate following the acceptance of the report by the Senate.

I certify that the foregoing is a true and correct copy of Senate Resolution No. 256, introduced by Senators John R. Gordon, Sean D. Wiley, Joe Scarnati, Lisa Baker, Art Haywood, Judith L. Schwank and Gene Yaw, and adopted by the Senate of the Commonwealth of Pennsylvania the ninth day of December, in the year of our Lord, two thousand fifteen.

Attest:


Megan Martin, Secretary

