

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 132 Session of
1995

INTRODUCED BY KUKOVICH, APRIL 27, 1995

REFERRED TO COMMITTEE ON RULES, APRIL 27, 1995

A RESOLUTION

1 Amending the Rules of the House of Representatives by adding
2 rules relating to special elections to fill vacancies,
3 amending rules relating to fiscal notes, for bills amended by
4 the Senate, for members' expenses, for consideration of
5 bills, for reconsideration of bills, for amendments on second
6 and third consideration and for suspension and adoption of
7 rules.

8 RESOLVED, That House Rules 14, 19(a), 23, 24, 26, 30, 61 and
9 77 are amended and that the Rules of the House of
10 Representatives be amended by adding a rule to read:

11 RULE 6 (a)

12 Special Election to Fill Vacancy

13 Whenever a vacancy shall occur in the House, the Speaker
14 shall within ten days after the happening of such vacancy, issue
15 a writ of election to the proper county board or boards of
16 election and to the Secretary of the Commonwealth for a special
17 election to fill said vacancy, which writ shall fix the date of
18 the next ensuing primary, municipal or general election,
19 occurring at least 60 days after the issuance of said writ, as
20 the date for holding said special election.

RULE 14

Members' and Employees' Expenses

A member who attends a duly called meeting of a standing or special committee of which he 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 his residence, at such rates as are established from time to time by the Committee on Rules but not in excess of the applicable maximum per diem and mileage rate authorized by the Federal Government for travel. These expenses shall be paid by the Chief Clerk from appropriation accounts under his 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 his 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 his 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.

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 name and the name, place, date and the purpose of the function.

1 Money appropriated specifically to and allocated under a
2 specific symbol number for allowable expenses of members of the
3 House of Representatives shall be reimbursed to each member upon
4 submission of vouchers and any required documentation by each
5 member on forms prepared by the Chief Clerk of the House. No
6 reimbursement shall be made from this account where a member is
7 directly reimbursed for the same purpose from any other
8 appropriation account.

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

12 (1) Travel expense on legislative business.

13 (a) Mileage on session or nonsession days at a rate as
14 may be approved from time to time by the Committee on Rules,
15 but not in excess of the maximum mileage rate authorized by
16 the Federal Government for travel for vehicles owned by the
17 member; voucher only. The mileage reimbursement for leased
18 vehicles shall be 11¢ per mile for session or nonsession days
19 if the member is reimbursed for the leased vehicle.

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

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

27 (d) Car rental; voucher and receipt from rental agency
28 but reimbursement not to exceed [in any month an amount as
29 may be approved from time to time by the Committee on Rules]
30 \$550 per month. Any amount in excess of the said amount shall

1 be paid by the person renting the car. In no event shall
2 other than American manufactured cars be rented.

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

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

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

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

16 (3) Rent for legislative office space; purchase of office
17 supplies; postage; telephone and answering services; printing
18 services [and rental only of office equipment]; voucher and
19 vendor's receipt, except for postage expense. The Chief Clerk
20 shall create an account for the purpose of purchasing district
21 office furniture and equipment. This furniture and equipment
22 will pass to each successive member-elect. No reimbursement or
23 expenditure shall be made out of any appropriation account for
24 any mass mailing including a bulk rate mailing made at the
25 direction or on behalf of any member which is mailed or
26 delivered to a postal facility within 60 days immediately
27 preceding any primary or election at which said member is a
28 candidate for public office.

29 Mass mailing shall mean a newsletter or similar mailing of
30 more than 50 pieces in which the content of the matter is

1 substantially identical. Nothing in this rule shall apply to any
2 mailing which is in direct response to inquiries or requests
3 from persons to whom matter is mailed, which is addressed to
4 colleagues in the General Assembly or other government officials
5 or which consists entirely of news releases to the
6 communications media.

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

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

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

17 No money appropriated for members' and employees' expenses
18 shall be used for contributions to political parties or their
19 affiliated organizations or to charitable organizations or for
20 charitable advertisements.

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

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

(1) As to personnel:

(a) The name, home address, social security number, 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.

A copy of each such report shall also be filed with the Special Committee on Internal Affairs and House Administration for use in the performance of its duties under Rule 47(a).

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. In such event, however, the Chief Clerk shall supply annually, on or before February 1, a list of all employees appearing in said file together with the required information as to each as of January 1 of such year to the Special Committee on Internal Affairs and House Administration. The committee shall also be supplied with copies of all payroll changes as they occur.

All monthly reports filed on disbursements made or debts

1 incurred by any officer or member or employee from
2 appropriations made to the House under any General Appropriation
3 Act shall be public information and shall be available for
4 public inspection during regular business hours in the office of
5 the Chief Clerk. The Chief Clerk shall prescribe reasonable
6 rules and regulations for inspection of such reports but in no
7 case shall inspection be denied to any person for a period
8 exceeding 48 hours (excluding Saturdays and Sundays) from the
9 time a written request has been submitted to the Chief Clerk.
10 Photocopies of such reports shall be made available upon request
11 to a member at no charge or to the public for a duplication fee
12 as may be fixed by the Chief Clerk. Such reports shall be made
13 available to a member or to the public on or before the last day
14 of the month next succeeding the month in which the report was
15 filed.

16 All vouchers and requisitions relating to all expenditures,
17 expenses, disbursements and other obligations out of all
18 appropriated funds of the House shall be available for public
19 inspection during regular business hours in the office of the
20 Chief Clerk or at such other location within the Capitol as the
21 Chief Clerk shall prescribe.

22 All requests to review payroll and independent contractor
23 records of the House or any other vouchers or requisitions for
24 funds appropriated to the House shall be made to the Chief
25 Clerk, in writing, at least three working days prior to the date
26 on which the review is requested. The request shall be signed by
27 the party who will be making the review and it shall indicate
28 the name of the organization or entity employing such
29 individual. The Chief Clerk shall establish a time during normal
30 business hours for the review to occur and he shall provide that

1 the review shall not interfere with the necessary functioning of
2 the Chief Clerk's office.

3 All requests for reimbursement out of any appropriation shall
4 be accompanied by a voucher, or other documents where required,
5 evidencing payment or approval. The voucher form shall be
6 approved and supplied by the Chief Clerk. Receipts or
7 documentation of every expenditure or disbursement which is in
8 excess of the maximum amount as set forth herein shall be
9 attached to the voucher. Where a request for payment is made in
10 advance of an expense actually incurred, the Chief Clerk, before
11 making such advance payment shall require a description
12 satisfactory to the Chief Clerk of the item or service to be
13 purchased or the expense to be incurred, and a receipt or other
14 documentation shall be given to the Chief Clerk after the item
15 or service has been purchased or expense incurred as evidence
16 that such advancement was in fact expended for such purpose.

17 All reports, vouchers and receipts from which reports are
18 prepared and filed shall be retained by the Chief Clerk, officer
19 or member, as the case may be, for such period of time as may be
20 necessary to enable the Legislative Audit Advisory Commission
21 created pursuant to the act of June 30, 1970 (P.L.442, No.151)
22 to conduct, through certified public accountants appointed by
23 it, annual audits to assure that such disbursements made or
24 debts incurred were in accordance with Legislative Audit
25 Advisory Commission guidelines and standards as approved by the
26 Committee on Rules, or for a minimum of three years, whichever
27 is longer. All annual audit reports shall be available for
28 public inspection. Photocopies of such reports shall be
29 available for a fee established by the Chief Clerk not to exceed
30 the cost of duplication.

1 All expenditures of funds appropriated to the House or to a
2 member or nonmember officer shall be subject to the expenditure
3 guidelines established by the Rules Committee.

4 RULE 19 (a)

5 Fiscal Notes

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

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

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

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

28 (3) The Appropriations Committee shall be limited in its
29 consideration of any such bill to the fiscal aspects of the bill
30 and shall not consider the substantive merits of the bill nor

1 refuse to report any such bill from committee for reasons other
2 than fiscal aspects. The fiscal note shall accompany the bill
3 and provide the following information in connection with the
4 Commonwealth and its political subdivisions:

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

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

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

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

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

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

18 (g) The line item, if any, of the General Appropriation
19 Bill out of which expenditures or losses of Commonwealth
20 funds shall occur as a result of the bill;

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

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

27 (4) No bill which may result in an increase in the
28 expenditure of Commonwealth funds shall be given second
29 consideration reading on the calendar until the Appropriations
30 Committee has certified that provision has been made to

1 appropriate funds equal to such increased expenditure. Whenever
2 the Appropriations Committee cannot so certify, the bill shall
3 be returned to the committee from which it was last reported for
4 further consideration and/or amendment.

5 (5) No amendment to a bill, concurrences in Senate
6 amendments, or adoption of a conference report which may result
7 in an increase in the expenditure of Commonwealth funds or those
8 of a political subdivision or which may entail a loss of
9 revenues in addition to that originally provided for in the bill
10 prior to the proposed changes nor any bill requiring a fiscal
11 note for which re-referral to the Appropriations Committee has
12 been waived by the Rules Committee shall be voted upon until the
13 day following the distribution of a fiscal note to the members
14 with respect to such changes or to such bill showing the fiscal
15 effect of the changes with respect to the bill, and containing
16 the information set forth by subsection (3) of this rule. Any
17 amendment submitted on a timely basis to the amendment clerk
18 shall be automatically forwarded to the Appropriations Committee
19 by the clerk. If the amendment requires an expenditure of public
20 funds by the Commonwealth or any political subdivision thereof,
21 the Appropriations Committee shall prepare a fiscal note. No
22 amendment will be ruled out of order for failure to have a
23 fiscal note if it has been submitted to the amendment clerk on a
24 timely basis.

25 (6) In obtaining the information required by these rules,
26 the Appropriations Committee may utilize the services of the
27 Budget Bureau and any other State agency as may be necessary.

28 (7) Any bill proposing any change relative to the retirement
29 system of the Commonwealth or any political subdivision thereof,
30 funded in whole or in part out of the public funds of the

1 Commonwealth or any political subdivision, shall have attached
2 to it an actuarial note. Except for the provisions pertaining to
3 the content of fiscal notes as set forth in paragraphs (a)
4 through (i) of subsection (3), all the provisions pertaining to
5 and procedures required of bills containing fiscal notes, shall,
6 where applicable, also be required for bills containing
7 actuarial note. The actuarial note shall contain a brief
8 explanatory statement or note which shall include a reliable
9 estimate of the financial and actuarial effect of the proposed
10 change in any such retirement system.

11 RULE 23

12 Second Consideration Bills

13 Bills on second consideration shall be considered in their
14 calendar order and be subject to amendment.

15 [No House bill on second consideration shall be considered
16 until called up by a member.]

17 RULE 24

18 Third Consideration and Final Passage Bills

19 Bills on third consideration and final passage shall be
20 considered in their calendar order.

21 A bill on third consideration [may] shall not be amended[.],
22 except for technical amendments (i.e. typographical errors) as
23 allowed by the Speaker. A bill shall not be voted on final
24 passage unless a copy of said bill was provided to each member a
25 minimum of 24 hours prior to the vote.

26 After a bill is agreed to on third consideration, the Speaker
27 shall state the question as follows:

28 "This bill has been considered on three different days
29 and agreed to and is now on final passage."

30 "The question is, shall the bill pass finally?"

1 "Agreeable to the provision of the Constitution, the yeas
2 and nays will now be taken."

3 When more than one bill shall be considered at the same time,
4 the Speaker shall state the question as follows:

5 "These bills have been considered on three different days
6 and agreed to and are now on final passage."

7 "The question is, shall the bills on the uncontested
8 calendar pass finally?"

9 "Agreeable to the provision of the Constitution, the yeas
10 and nays will now be taken."

11 When a bill or resolution has been passed finally, that bill or
12 resolution shall remain in the House Chamber for a minimum of 30
13 minutes to permit a motion to reconsider the vote.

14 RULE 26

15 Reconsideration

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

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

29 The reconsideration vote must be made on the same day on
30 which the initial vote was taken. A maximum of two

1 reconsideration motions and votes will be permitted on the same
2 bill or amendment.

3 When a motion to reconsider any such vote is made within the
4 aforesaid time limits and is decided by the affirmative vote
5 prescribed herein, the question immediately recurs on the bill,
6 resolution or other matter reconsidered.

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

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

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

25 The vote on a bill or resolution recalled from the Governor
26 may be reconsidered at any time after the bill or resolution has
27 been returned to the House.

28 RULE 30

29 Bills Amended by the Senate

30 When a bill or joint resolution has been amended by the

1 Senate and returned to the House for concurrence, it shall be
2 [referred automatically to the Committee on Rules immediately
3 upon the reading of the message from the Senate by the Clerk.
4 The Committee on Rules may amend any bill or resolution
5 containing Senate amendments.

6 When said bill or resolution has been favorably reported by
7 the Committee on Rules, either as committed or as amended, said
8 bill or resolution shall be placed on the calendar and copies
9 thereof shall be placed on the desks of the members. When acting
10 on bills or joint resolutions amended by the Senate, the
11 amendments shall be read and the question put on the concurrence
12 in the amendments.] placed immediately on the calendar and
13 copies of the amended bill or joint resolution shall be placed
14 on the desks of the members. When acting on bills or joint
15 resolutions amended by the Senate, the amendments shall be read
16 and the question put on the concurrence in the amendments.

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

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

28 RULE 61

29 Previous Question

30 A motion for the previous question, seconded by 20 members

1 and sustained by [a majority] 60% of the members present, shall
2 put an end to all debate and bring the House to an immediate
3 vote on the question then pending, or the questions on which it
4 has been ordered.

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

8 RULE 77

9 Suspending and Changing Rules

10 Any rule of the House, which is not required by the
11 Constitution, may be temporarily suspended at any time for a
12 specific purpose only by a [majority] 60% vote of the members
13 elected to the House by a roll call vote.

14 A motion to suspend the rules may not be laid on the table,
15 postponed, committed or amended.

16 The existing rules of the House shall not be changed, added
17 to, modified or deleted except by written resolution and the
18 same approved by a [majority] 60% vote of the members elected to
19 the House by a roll call vote.

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

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