
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 256 Session of
2015

INTRODUCED BY GORDNER, WILEY, SCARNATI, BAKER, HAYWOOD, SCHWANK
AND YAW, DECEMBER 7, 2015

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, DECEMBER 7, 2015

A RESOLUTION

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

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

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

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

17 WHEREAS, During November 2015, the Special Committee
18 conducted hearings taking sworn testimony and receiving evidence
19 to determine whether there is a sufficient basis for the Senate

1 to move forward with due notice to Attorney General Kathleen G.
2 Kane and a full hearing under Article VI, Section 7 of the
3 Pennsylvania Constitution; and

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

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

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

16 therefore be it

17 RESOLVED, That the Senate:

18 (1) order the Senate Sergeant-at-Arms or his designees
19 to serve this resolution and the Special Committee Report,
20 with all exhibits, upon Attorney General Kathleen G. Kane on
21 or before December 11, 2015, at 5 p.m. to provide her due
22 notice of the formal proceedings now initiated;

23 (2) proclaim that Attorney General Kathleen G. Kane's
24 full hearing is scheduled for January 12, 2016, at 1 p.m. in
25 Hearing Room 1 of the North Office Building at the
26 Pennsylvania Capitol Complex;

27 (3) proclaim that the full hearing under Article VI,
28 Section 7 of the Pennsylvania Constitution shall take place
29 before the Special Committee on Senate Address, shall be open
30 to the public and shall focus solely on examining Attorney

1 General Kathleen G. Kane's ability to perform the duties of
2 her office with a suspended law license;

3 (4) proclaim that Attorney General Kathleen G. Kane or
4 her counsel may file a written response to the Special
5 Committee Report, its exhibits or any part thereof with the
6 President pro tempore and the Chair of the Special Committee
7 on Senate Address any time prior to 12 noon on January 11,
8 2016; and

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

11 Rules of Procedure

12 For a Full Hearing

13 Pursuant to Article VI, Section 7 of the Pennsylvania
14 Constitution

15 I. FORMAT OF HEARING

16 (1) The Secretary-Parliamentarian of the Senate shall
17 prepare the record of the hearing in the same manner as the
18 legislative proceedings of the Senate.

19 (2) Attorney General Kathleen G. Kane shall have the
20 right to appear before the Special Committee to offer
21 testimony, submit a sworn or unsworn statement, submit third
22 party affidavits and/or produce documents related solely to
23 her ability to perform the duties of her office with a
24 suspended law license and to answer questions posed by
25 Special Committee members. Counsel shall appear before the
26 Special Committee with Attorney General Kathleen G. Kane and
27 be heard upon receipt by the President pro tempore of the
28 Senate and the Chair of the Special Committee of her written
29 authorization appointing counsel to appear with her and to
30 speak on her behalf.

1 (3) If Attorney General Kathleen G. Kane does not elect
2 to appear personally before the Special Committee, she may
3 appoint counsel to represent her and appear on her behalf
4 before the Special Committee. Counsel shall appear and be
5 heard upon receipt by the President pro tempore of the Senate
6 and the Chair of the Special Committee of Attorney General
7 Kathleen G. Kane's written authorization appointing counsel
8 to speak on her behalf.

9 (4) Attorney General Kathleen G. Kane or her counsel
10 shall have the right to present documentary evidence.

11 (5) Should Attorney General Kathleen G. Kane or her
12 counsel fail to appear or participate in person, the Special
13 Committee shall proceed with its full hearing.

14 II. ADDITIONAL DOCUMENTS OR INFORMATION

15 Upon conclusion of the full hearing, Attorney General
16 Kathleen G. Kane or her counsel shall be permitted to submit
17 additional documents or information prior to January 15,
18 2016, at 5 p.m. Additional documents or information requested
19 during the hearing by members of the Special Committee shall
20 be submitted to the President pro tempore and the Chair of
21 the Special Committee along with any other documents or
22 information pertinent to the focus of the hearing pursuant to
23 Rule I(2) of this resolution which Attorney General Kathleen
24 G. Kane believes would be helpful to the Special Committee
25 members. The Chair of the Special Committee shall immediately
26 distribute copies of all documents or information provided
27 under this paragraph to members of the Special Committee.

28 III. REPORT

29 No later than 15 days following the conclusion of the
30 hearing, the Special Committee shall submit a report to the

1 President pro tempore and the Secretary-Parliamentarian of
2 the Senate, which shall include, but not be limited to, the
3 official transcript of the hearing and the written documents
4 submitted by, or on behalf of, Attorney General Kathleen G.
5 Kane. Copies of the report shall be distributed to every
6 member of the Senate following the acceptance of the report
7 by the Senate.