

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 263 Session of 2007

INTRODUCED BY SHAPIRO, STEIL, ARGALL, BENNINGHOFF, COHEN, COX, DALLY, FREEMAN, GRELL, MAHONEY, MANDERINO, MUNDY, NAILOR, ROAE, ROHRER, RUBLEY, SAINATO, SCHRODER, TANGRETTI, THOMAS, VEREB, VITALI, WALKO, WILLIAMS AND CALTAGIRONE, MAY 7, 2007

AS AMENDED, HOUSE OF REPRESENTATIVES, OCTOBER 22, 2007

A RESOLUTION

1 Amending House Rule 47, further providing for Ethics Committee.

2 RESOLVED, That House Rule 47 be amended to read:

3 RULE 47

4 Ethics Committee

5 As used in the context of this rule, the word "committee"

6 shall mean the Committee on Ethics of the House of

7 Representatives, and the phrase "majority of the committee"

8 shall mean a majority of the members to which the committee is

9 entitled.

10 †The committee shall consist of eight members: four of whom ←

11 shall be members of the majority party appointed by the Speaker,

12 and four of whom shall be members of the minority party

13 appointed by the Minority Leader. The Speaker shall appoint from

14 the members a chair, vice chair and secretary for the committee.

15 The chair shall be a member of the majority party and the vice

16 chair shall be a member of the minority party.† ←

1 ~~Beginning 60 days after the adoption of this paragraph, the~~
2 ~~committee shall consist of eight members, two of whom shall be~~
3 ~~members of the majority party appointed by the Majority Leader,~~
4 ~~and two of whom shall be members of the minority party appointed~~
5 ~~by the Minority Leader. Beginning 45 days after the adoption of~~
6 ~~this paragraph, each caucus shall submit a list of members who~~
7 ~~have expressed their willingness to serve on the committee, from~~
8 ~~which two members from each list shall be chosen by the Chief~~
9 ~~Clerk by a method of random selection. In addition, two members~~
10 ~~from each party shall be chosen to serve as alternate committee~~
11 ~~members as follows: one alternate member shall be appointed by~~
12 ~~the party leader, and one alternate member shall be chosen by~~
13 ~~the Chief Clerk by a method of random selection. The Speaker~~
14 ~~shall appoint from the members a chair, vice chair and secretary~~
15 ~~for the committee. The chair and the vice chair shall not be~~
16 ~~members of the same party.~~ PARTY. <—

17 THE SPEAKER SHALL FIX A VOTING SESSION DAY FOR THE CHIEF <—
18 CLERK TO RANDOMLY SELECT COMMITTEE MEMBERS FROM THE LISTS
19 PROVIDED BY EACH CAUCUS. THE CHIEF CLERK SHALL GIVE AT LEAST
20 SEVEN DAYS' NOTICE BY MAIL OF THE DATE TO ALL MEMBERS. THE CHIEF
21 CLERK SHALL CONDUCT THE RANDOM SELECTION OF COMMITTEE MEMBERS ON
22 THE FLOOR OF THE HOUSE DURING SESSION. IMMEDIATELY FOLLOWING THE
23 RANDOM SELECTION, THE SPEAKER SHALL READ THE NAMES OF THE
24 COMMITTEE MEMBERS UPON THE RECORD.

25 The chair shall notify all members of the committee at least
26 24 hours in advance of the date, time and place of a regular
27 meeting. Whenever the chair shall refuse to call a regular
28 meeting, a majority of the committee may vote to call a meeting
29 by giving two days' written notice to the Speaker of the House
30 setting forth the time and place for such meeting. Such notice

1 shall be read in the House and posted in the House Chamber by
2 the Chief Clerk, or a designee. Thereafter, the meeting shall be
3 held at the time and place specified in such notice.

4 The committee shall compile AND DISTRIBUTE a Members' ←
5 Handbook on Ethics to advise members, officers and employees of
6 the House on matters regarding conflicts of interest, and
7 nonfeasance, malfeasance and misfeasance in legislative duties.

8 Each member shall be required to complete two hours of ethics
9 education and training each legislative term. The committee
10 shall be responsible for planning and offering the ethics ←
11 education programs.

12 The committee shall conduct its investigations, hearings and
13 meetings relating to a specific investigation or a specific
14 member, officer or employee of the House in closed session and
15 the fact that such investigation is being conducted or to be
16 conducted or that hearings or such meetings are being held or
17 are to be held shall be confidential information unless the
18 person subject to investigation advises the committee in writing
19 that he or she elects that such hearings shall be held publicly.
20 In the event of such an election, the committee shall furnish
21 such person a public hearing. All other meetings of the
22 committee shall be open to the public.

23 The committee shall receive complaints against members,
24 officers and employees of the House, and persons registered or
25 carrying on activities regulated by 65 Pa.C.S. Ch. 13A (relating
26 to lobbying disclosure), alleging illegal or unethical conduct.
27 Any such complaint must be in writing verified by the person
28 filing the complaint and must set forth in detail the conduct in
29 question and the section of the "Legislative Code of Ethics,"
30 the provision of 65 Pa.C.S Ch. 13A or the House rule violated.

1 The committee shall make a preliminary investigation of the
2 complaint, and if it is determined by a majority of the
3 committee that a violation of the rule or law may have occurred,
4 the person against whom the complaint has been brought shall be
5 notified in writing and given a copy of the complaint. Within 15
6 days after receipt of the complaint, such person may file a
7 written answer thereto with the committee. Upon receipt of the
8 answer, by vote of a majority of the committee, the committee
9 shall either dismiss the complaint within ten days or proceed
10 with a formal investigation, to include hearings, not less than
11 ten days nor more than 30 days after notice in writing to the
12 persons so charged. Failure of the person charged to file an
13 answer shall not be deemed to be an admission or create an
14 inference or presumption that the complaint is true, and such
15 failure to file an answer shall not prohibit a majority of the
16 committee from either proceeding with a formal investigation or
17 dismissing the complaint.

18 A majority of the committee may initiate a preliminary
19 investigation of the suspected violation of a Legislative Code
20 of Ethics or House rule by a member, officer or employee of the
21 House or lobbyist. If it is determined by a majority of the
22 committee that a violation of a rule or law may have occurred,
23 the person in question shall be notified in writing of the
24 conduct in question and the section of the "Legislative Code of
25 Ethics," the provision of 65 Pa.C.S. Ch. 13A or the House rule
26 violated. Within 15 days, such person may file a written answer
27 thereto. Upon receipt of the answer, by vote of a majority of
28 the committee, the committee shall either dismiss the charges
29 within ten days or proceed with a formal investigation, to
30 include hearings, not less than ten days nor more than 30 days

1 after notice in writing to the person so charged. Failure of the
2 person charged to file an answer shall not be deemed to be an
3 admission or create an inference or presumption that the charge
4 is true, and such failure to file an answer shall not prohibit a
5 majority of the committee from either proceeding with a formal
6 investigation or dismissing the charge.

7 In the event that the committee shall elect to proceed with a
8 formal investigation of the conduct of any member, officer or
9 employee of the House, the committee shall employ independent
10 counsel who shall not be employed by the House for any other
11 purpose or in any other capacity during such investigation.

12 All constitutional rights of any person under investigation
13 shall be preserved, and such person shall be entitled to present
14 evidence, cross-examine witnesses, face his or her accuser, and
15 be represented by counsel.

16 The chair may continue any hearing for reasonable cause, and
17 upon the vote of a majority of the committee or upon the request
18 of the person subject to investigation, the chair shall issue
19 subpoenas for the attendance and testimony of witnesses and the
20 production of documentary evidence relating to any matter under
21 formal investigation by the committee. The committee may
22 administer oaths or affirmations and examine and receive
23 evidence.

24 All testimony, documents, records, data, statements or
25 information received by the committee in the course of any
26 investigation shall be private and confidential except in the
27 case of public hearings or in a report to the House. No report
28 shall be made to the House unless a majority of the committee
29 has made a finding of unethical or illegal conduct on the part
30 of the person under investigation. No finding of unethical or

1 illegal conduct shall be valid unless signed by at least a
2 majority of the committee. Any such report may include a
3 minority report. The committee shall have the authority to
4 recommend to the House action as appropriate. No action shall be
5 taken by the House on any finding of illegal or unethical
6 conduct nor shall such finding or report containing such finding
7 be made public sooner than seven days after a copy of the
8 finding is sent by certified mail to the member, officer or
9 employee under investigation.

10 The committee may meet with a committee of the Senate to hold
11 investigations or hearings involving employees of the two houses
12 jointly or officers or employees of the Legislative Reference
13 Bureau, the Joint State Government Commission, the Local
14 Government Commission, the Legislative Budget and Finance
15 Committee and the Legislative Data Processing Committee;
16 provided, however, that no action may be taken at a joint
17 meeting unless it is approved by a majority of the committee.

18 In the event that a member of the committee shall be under
19 investigation, such member shall be temporarily replaced on the
20 committee ~~by the alternate member from the same party who was~~ ←
21 ~~selected~~ in a like manner as said member's original appointment.

22 The committee, [whether or not] at the request of a member,
23 officer or employee concerned about an ethical problem relating
24 to the member, officer or employee alone or in conjunction with
25 others, may render advisory opinions with regard to questions
26 pertaining to legislative ethics or decorum. Such advisory
27 opinions[, with such deletions and changes as shall be necessary
28 to protect the identity of the persons involved or seeking them,
29 may be published and shall be distributed to all the members of
30 the House] shall be confidential and shall apply exclusively to

1 the requestor.

2 Any member of the committee breaching the confidentiality of
3 materials and events as set forth in this rule shall be removed
4 immediately from the committee and replaced by ~~another member~~ ←
5 ~~of the House} the alternate member from the same party who was~~ ←
6 selected in a like manner as said member's original appointment.

7 The committee may adopt rules of procedure for the orderly
8 conduct of its affairs, investigations, hearings and meetings,
9 which rules are not inconsistent with this rule.

10 The committee shall continue to exist and have authority and
11 power to function after the sine die adjournment of the General
12 Assembly and shall so continue until the expiration of the then
13 current term of office of the members of the committee.

14 ~~All matters currently pending before the committee at the~~ ←
15 ~~time of passage of this paragraph shall be handled by members of~~
16 ~~the committee who were appointed under this rule as adopted in~~
17 ~~House Resolution No. 108, Printer's No. 814 (2007), who shall~~
18 ~~continue serving until their successors are appointed on~~
19 ~~December 3, 2007. All new matters filed with the committee after~~
20 ~~passage of this paragraph, except for advisory opinions~~
21 ~~requested under Rule 14, shall be referred for action to the~~
22 ~~committee as newly constituted under this rule.~~