

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 23

Special Session No. 1 of
2023-2024

INTRODUCED BY KLUNK, BARTON, M. BROWN, COOK, COOPER, D'ORSIE,
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SCHLEGEL, STEHR, TWARDZIK, C. WILLIAMS AND ROWE,
FEBRUARY 23, 2023

INTRODUCED, FEBRUARY 23, 2023

A RESOLUTION

1 Amending the Operating Rules of the House of Representatives
2 For Special Session No. 1 (2023) On Providing Justice To
3 Otherwise Barred Victims Of Childhood Sexual Abuse, providing
4 for definitions, for ethical conduct, for professional
5 conduct and for Committee on Ethics.

6 RESOLVED, That the 2023-2024 Operating Rules for the Special
7 Session On Providing Justice To Otherwise Barred Victims Of
8 Childhood Sexual Abuse (Special Session No. 1) be amended by
9 adding rules to read:

10 ETHICAL AND PROFESSIONAL CONDUCT RULES OF

11 THE HOUSE OF REPRESENTATIVES

12 RULE 1 E

13 Definitions

14 The following words and phrases when used in the Ethical and
15 Professional Conduct Rules of the House of Representatives shall
16 have the meanings given to them in this Rule unless the context
17 clearly indicates otherwise:

18 "Campaign." An effort organized in support of or opposition

1 to the nomination, election or re-election of an individual to
2 elective office.

3 "Campaign activity." An activity on behalf of a candidate,
4 political party, political committee, campaign, campaign
5 committee, political organization or political body which is
6 intended to influence the outcome of an election, including any
7 of the following:

8 (1) Organizing a campaign meeting, campaign rally or other
9 campaign event, including a fund-raiser where campaign
10 contributions are solicited or received.

11 (2) Preparing or completing responses to questionnaires that
12 are intended primarily for campaign use.

13 (3) Preparing, reviewing or filing a campaign finance
14 report.

15 (4) Conducting background research on a candidate or an
16 elected official to be used or intended to be used to influence
17 the outcome of an election.

18 (5) Preparing, conducting or participating in campaign
19 polling.

20 (6) Preparing, circulating or filing a candidate nominating
21 petition or papers.

22 (7) Participating in, preparing, reviewing or filing a legal
23 challenge to a nominating petition or papers.

24 (8) Preparing, distributing or mailing campaign literature,
25 campaign signs or other campaign material on behalf of or in
26 opposition to any candidate.

27 (9) Managing a campaign.

28 (10) Participating in, preparing, reviewing or filing
29 documents in a recount, challenge or contest of an election.

30 (11) Posting campaign-related information on a website or

1 social media website.

2 (12) Soliciting an individual's vote for a candidate.

3 (13) Working at a polling place.

4 "Campaign contribution." A monetary or in-kind contribution
5 made to a candidate or a campaign.

6 "Campaign polling." The preparation, compilation, collection
7 or gathering of information, including focus groups and surveys,
8 reflecting public opinion as to an elected official, group of
9 elected officials, candidate, group of candidates, political
10 party, political committee, campaign, campaign committee,
11 political organization or political body that is intended to be
12 used for the purpose of supporting or opposing the nomination,
13 election or re-election of an individual to elective office.

14 "Committee." The Committee on Ethics of the House of
15 Representatives.

16 "Candidate." An individual seeking nomination, election or
17 re-election to an elective office.

18 "De minimus." An economic consequence which has an
19 insignificant effect.

20 "Elected official." An individual elected by the public to
21 serve a term in an elective office. The term shall include an
22 individual appointed to fill an unexpired term in an elective
23 office.

24 "Election." A general, special, municipal or primary
25 election, including elections at which a candidate for elective
26 office in a Federal governmental body is on the ballot.

27 "Elective office." A position in a governmental body to
28 which an individual is required under the Constitution of
29 Pennsylvania, the Constitution of the United States or by law to
30 be elected by the public.

1 "Employer." The term includes the following:

2 (1) An officer of the House.

3 (2) The Office of the Speaker of the House of
4 Representatives.

5 (3) The House Republican Caucus.

6 (4) The House Democratic Caucus.

7 "Frivolous complaint." A complaint filed in a grossly
8 negligent manner without basis in law or fact.

9 "House employee." The term includes the following:

10 (1) A person employed by the Office of the Speaker of the
11 House of Representatives, the House Republican Caucus or the
12 House Democratic Caucus.

13 (2) Except as otherwise precluded by law, an officer of the
14 House or a person employed by an officer of the House.

15 "House office." Legislative offices and work spaces,
16 including:

17 (1) An office assigned to a Member for the conduct of
18 legislative duties, wherever located.

19 (2) House conference or meeting rooms located in the Capitol
20 complex.

21 (3) A legislative district office.

22 (4) The offices of an officer of the House.

23 "House resources." House-owned or House-leased equipment
24 including telephones, computer hardware or software, copiers,
25 scanners, fax machines, file cabinets or other office furniture,
26 cell phones, personal digital assistants or similar electronic
27 devices, and office supplies.

28 "House work time." Compensated time spent in the performance
29 of duties by a House employee.

30 "Independent counsel." An attorney engaged by the Committee

1 for the purpose of investigating and prosecuting a specific
2 complaint who shall not be employed during the investigation for
3 any other purpose or in any other capacity by the House, the
4 committee or a Member.

5 "Legislative nonprofit organization." A nonprofit
6 corporation or other entity whose primary purpose is to receive
7 funds under the General Appropriation Act or another
8 appropriation act at the discretion or by reason of the
9 influence of a Member for use at the discretion or direction of
10 the Member.

11 "Majority of the Committee" or "majority." A majority of the
12 Members to which the Committee is entitled.

13 "Mass communication." The term shall include, but not be
14 limited to, the following if they are paid for with House funds:

15 (1) Any newsletter or similar mailing of more than 50 pieces
16 a day in which the content of the matter is substantially
17 identical.

18 (2) Any electronic mail transmission to more than 50
19 addresses per day in which the content of the matter is
20 substantially identical.

21 (3) Any public service announcement via radio or television
22 broadcast that depicts the name, voice or image of a Member.

23 (4) Any telemarketing activities or robocalls on behalf of a
24 Member, except for limited surveys to determine public opinion
25 on various issues that do not use the name, voice or image of a
26 Member.

27 "Member." An individual elected to serve in the Pennsylvania
28 House of Representatives.

29 "Officers of the House." The Chief Clerk, the Comptroller
30 and the Parliamentarian of the Pennsylvania House of

1 Representatives.

2 "Official mailing lists." Any list containing individuals,
3 companies or vendors, including names, addresses, telephone
4 numbers or e-mail addresses that are procured, compiled,
5 maintained or produced with House funds.

6 "Own time." A House employee's time that is distinct from
7 House work time and includes time that is spent on
8 vacation/annual leave and personal leave. The term does not
9 include compensatory leave.

10 "Restricted period." The 60-day period immediately
11 preceding:

- 12 (1) a primary or general election in an even-numbered year;
13 or
14 (2) an election at which the Member is a candidate.

15 "Sexual harassment." Unwelcome sexual advances, requests for
16 sexual favors or other verbal or physical conduct of a sexual
17 nature.

18 "Subject." A person against whom a complaint has been filed
19 with the Committee.

20 RULE 2 E

21 Ethical Conduct

22 (1) No campaign activity may be conducted by a House
23 employee on House work time. No campaign activity may be
24 conducted in a House office or with House resources or House
25 funds. The following shall apply:

26 (a) House employees are permitted to engage in campaign
27 activities on their own time.

28 (b) The solicitation or receipt of campaign
29 contributions in a House office, on House work time or with
30 House resources is prohibited. If an unsolicited contribution

1 is sent to a House office through the mail or in an
2 unidentifiable form, the employee who receives it shall turn
3 it over to the applicable campaign and, within two business
4 days, notify the donor, if known, that campaign contributions
5 should not be sent or delivered to a House office.

6 (c) No House employee may be allocated any leave time
7 for time spent engaging in campaign activities on his or her
8 own time.

9 (d) A House employee, with the permission of his or her
10 employer, may go on leave without pay or benefits to engage
11 in campaign activities.

12 (e) A House employee who announces his or her candidacy
13 for a House seat or files nomination petitions or papers or
14 for whom a nomination certificate is filed to run for a House
15 seat shall be put on leave without pay or benefits during the
16 duration of his or her candidacy unless the employee
17 voluntarily leaves House employment.

18 (f) De minimis campaign activities may be unavoidable
19 for a Member or House employee in the course of their
20 official duties and shall not be considered a violation of
21 these ethical conduct rules. This includes the following
22 activities:

23 (i) A Member or House employee may, in responding to
24 inquiries from the public, need to address incidental
25 questions that relate to a Member's or another person's
26 campaign or a related legislative record.

27 (ii) A Member or House employee may provide
28 scheduling assistance and information to campaign staff
29 to ensure that no conflict occurs among the Member's
30 campaign schedule, official schedule and personal

1 schedule.

2 (iii) A Member or House employee may engage in
3 political conversation in the natural course of personal
4 communication.

5 (g) A Member's official State website or State social
6 media website shall not contain a link to his or her campaign
7 website or campaign social media website.

8 (h) No House employee may be required to make a campaign
9 contribution as a condition of employment or continued
10 employment.

11 (i) No House employee may be required to perform any
12 campaign activity, on House work time or the employee's own
13 time, as a condition of employment or continued employment.

14 (j) No House employee who agrees or offers to
15 participate in a campaign activity on the employee's own
16 time, or makes a campaign contribution, shall receive
17 additional House compensation or employee benefit in the form
18 of a salary adjustment, bonus, compensatory time off,
19 continued employment or any other similar benefit in return.

20 (k) A House employee who refuses to participate in a
21 campaign activity or to make a campaign contribution shall
22 not be subject to retaliation for that refusal.

23 (l) Official House mailing lists shall be used solely
24 for legislative purposes and shall not be provided to a
25 candidate, political party, political committee, campaign,
26 campaign committee political organization or political body
27 to be used for any campaign activity.

28 (m) House computers shall not be used to create or
29 update any mailing list that identifies the listed
30 individuals as campaign volunteers or campaign contributors

1 to a candidate, political party, political committee,
2 campaign or campaign committee, political organization or
3 political body.

4 (n) No list may be developed by a Member or a House
5 employee for the purpose of monitoring or tracking campaign
6 activity or campaign contributions of a House employee.

7 (o) A Member shall not use campaign funds for any event
8 that occurs inside any House office except to pay expenses
9 related to receptions in honor of a Member's swearing-in to
10 or retirement from the Pennsylvania House of Representatives.

11 (2) No mass communication shall be made at the direction or
12 on behalf of any Member which is delivered to a postal facility
13 or otherwise distributed during a restricted period. Nothing in
14 this subsection shall apply to any mass communication:

15 (a) in response to inquiries or affirmative requests
16 from persons to whom the matter is communicated;

17 (b) sent to colleagues in the General Assembly or other
18 government officials; or

19 (c) which consists entirely of news releases to the
20 communications media.

21 (3) No House employee may be required to perform any task
22 unrelated to the House employee's official duties, on House work
23 time or the employee's own time, as a condition of employment or
24 continued employment.

25 (4) No House employee who agrees or offers to perform a task
26 unrelated to the House employee's official duties, on the
27 employee's own time, shall receive any additional House
28 compensation or employee benefit in the form of a salary
29 adjustment, bonus, compensatory time off, continued employment
30 or any other similar benefit in return.

1 (5) A House employee who refuses to perform a task unrelated
2 to the House employee's official duties while on House work time
3 shall not be sanctioned for that refusal.

4 (6) No Member or House employee may accept a cash gift
5 unless from a spouse, parent, parent by marriage, sibling,
6 child, grandchild, other family member or friend when the
7 circumstances make it clear that the motivation for the gift was
8 a personal or family relationship. For the purposes of this
9 paragraph, a "friend" shall not include a registered lobbyist or
10 an employee of a registered lobbyist. Nothing under this
11 subsection shall prevent a Member or House employee from
12 accepting a campaign contribution otherwise authorized by law.

13 (7) A Member shall not create, maintain or cause to be
14 created or maintained a legislative nonprofit organization.

15 (8) The following apply:

16 (a) No Member or officer of the House shall retaliate
17 against a House employee or another Member or officer of the
18 House in response to any of the following actions taken in
19 good faith:

20 (i) Filing:

21 (A) a complaint of unethical conduct under the
22 Legislative Code of Ethics or Special Session Rules
23 of the House;

24 (B) a complaint of unethical or illegal conduct
25 with the State Ethics Commission; or

26 (C) a criminal complaint relating to illegal
27 conduct with a law enforcement agency.

28 (ii) Participating in an investigation in connection
29 with or a proceeding resulting from the filing of a
30 complaint under subparagraph (i).

1 (b) Nothing under paragraph (a) shall be construed to
2 prevent action against a Member or officer of the House who
3 is subject to a complaint of unethical or illegal conduct.

4 RULE 2.1 E

5 Professional Conduct

6 (1) No Member or officer of the House shall do any of the
7 following:

8 (a) Use the submission to or rejection by a House
9 employee of conduct constituting sexual harassment as a basis
10 for an employment decision affecting the employee.

11 (b) Make submission to conduct constituting sexual
12 harassment, either explicitly or implicitly, a term or
13 condition of a House employee's employment.

14 (c) Engage in conduct constituting sexual harassment
15 that is so frequent or severe that it creates a hostile or
16 offensive work environment for a House employee or another
17 Member or officer of the House.

18 (d) Engage in sexual harassment while performing House-
19 related services or duties or in or on any House owned or
20 leased property or facilities.

21 (2) No Member or officer of the House shall retaliate
22 against a House employee or another Member or officer of the
23 House in response to any of the following actions taken in good
24 faith:

25 (a) Filing:

26 (i) a complaint of sexual harassment under Rules of
27 the House or the policies and procedures of an employer;

28 (ii) a charge of sex discrimination relating to
29 sexual harassment with a government agency or commission
30 charged with enforcing laws relating to sex

1 discrimination;

2 (iii) a civil action relating to sexual harassment
3 in a court of competent jurisdiction; or

4 (iv) a criminal complaint relating to sexual
5 harassment with a law enforcement agency.

6 (b) Participating in an investigation in connection with
7 or proceedings resulting from the filing of a complaint or
8 proceeding under paragraph (a).

9 (3) Nothing under subsection (2) shall be construed to
10 prevent action against a Member or officer of the House who is
11 the subject of a complaint or proceeding related to sexual
12 harassment.

13 RULE 3 E

14 Committee on Ethics

15 The Committee on Ethics shall consist of eight Members, four
16 of whom shall be members of the majority party appointed by the
17 Speaker, and four of whom shall be members of the minority party
18 appointed by the Minority Leader. From the Members appointed to
19 the Committee, the Speaker shall appoint a chair, vice-chair and
20 secretary for the Committee. The chair shall be a member of the
21 majority party, and the vice chair shall be a member of the
22 minority party. Members of the Committee shall be appointed no
23 later than two days after the date of the adoption of this rule.

24 The members of the Committee shall first meet upon the call
25 of the chair and perfect its organization. A majority of the
26 Committee shall constitute a quorum for it to proceed to
27 business. Unless otherwise provided in this rule, a majority of
28 the Committee shall be required to take any action authorized by
29 this rule. The Committee shall have the power to promulgate
30 rules not inconsistent with this rule or Special Session Rules

1 of the House that may be necessary for the orderly conduct of
2 its business.

3 The chair of the Committee shall notify all members of the
4 Committee at least 24 hours in advance of the date, time and
5 place of meetings and, insofar as possible, the subjects on the
6 agenda. Meetings may be called from time to time by the chair of
7 the Committee as the chair deems necessary. A member of the
8 Committee may request that the chair call a meeting for a
9 specific purpose. If the chair refuses to call a meeting upon
10 such request, a majority of the Committee may vote to call a
11 meeting by giving two days' written notice to the Speaker of the
12 House setting forth the time and place for such meeting. Such
13 notice shall be read in the House and posted in the House
14 Chamber by the Chief Clerk or a designee. Thereafter, the
15 meeting shall be held at the time and place specified in such
16 notice.

17 The Committee shall not continue to exist after sine die
18 adjournment of the General Assembly. Proceedings on matters
19 before the Committee that have not been concluded or disposed of
20 by sine die adjournment of the General Assembly shall cease on
21 such date and all documents, reports, communications,
22 transcripts and other materials compiled by the Committee for
23 such matters, as well as any communications or other materials
24 received by the Committee after sine die adjournment of the
25 General Assembly, shall be collected, organized and submitted to
26 the Chief Clerk under seal for transition to the reconstituted
27 Committee consisting of Members appointed from the incoming
28 General Assembly. These materials shall be held in a secure
29 manner and nothing in this rule shall authorize the Chief Clerk
30 or any other person to view such materials. Within 30 days

1 following the reconstitution of the Committee in the next
2 succeeding legislative term, the Committee shall review such
3 materials and determine whether or not to proceed with one or
4 more of the matters under review by the former Committee or
5 received after sine die adjournment. Any time period required
6 for any actions of the Committee or others under this rule shall
7 be tolled until the reconstituted Committee has made a
8 determination whether or not to proceed. If the Committee
9 determines to proceed with a matter, the Committee shall, if
10 applicable, continue from the stage in the consideration of the
11 matter where the former Committee ended.

12 The Committee shall compile, update and distribute a Members'
13 Handbook on Ethics for Members and House Employees on matters
14 regarding the ethical conduct of their legislative duties. Each
15 Member shall complete two hours of ethics education and training
16 and one hour of sexual harassment and discrimination in the
17 workplace education and training each legislative term. A Member
18 shall be excused from one hour of ethics training for any full
19 year the Member was absent due to illness, injury, military
20 service or any other permissible excuse under Rule 64(a). The
21 Committee shall be responsible for planning and offering the
22 education and training programs.

23 The Committee shall issue to a Member upon the Member's
24 request an advisory opinion regarding the Member's duties under
25 Rule 2E relating to legislative nonprofit organizations. The
26 opinion shall be issued within 14 days following the request. No
27 Member who acts in good faith on an opinion issued under this
28 paragraph shall be subject to any sanctions for so acting if the
29 material facts are as stated in the request. Opinions issued
30 under this paragraph shall be public records and may from time

1 to time be published.

2 Notwithstanding the foregoing, the Member requesting the
3 opinion may request that an opinion undergo deletions and
4 changes necessary to protect the identity of the persons
5 involved, and the Committee shall make such deletions and
6 changes.

7 The Committee may issue other advisory opinions with regard
8 to questions pertaining to other legislative ethics or decorum
9 at the request of a Member or House employee. An opinion issued
10 under this paragraph shall be confidential and shall apply
11 exclusively to the requestor. No requestor who acts in good
12 faith on an opinion issued under this paragraph shall be subject
13 to any sanctions for acting in accordance with the opinion if
14 the material facts are as stated in the request.

15 The Committee may receive complaints against Members and
16 House employees alleging unethical conduct under the Legislative
17 Code of Ethics or the Special Session Rules of the House and
18 complaints against Members and officers of the House for
19 violations of Rule 2.1 E. A complaint must be in writing and be
20 signed by the person filing the complaint under penalty of law
21 under 18 Pa.C.S. § 4904 (relating to unsworn falsification to
22 authorities). The complaint must set forth in detail the actions
23 constituting the alleged unethical conduct or violation. No
24 person shall disclose or acknowledge to any other person any
25 information relating to the filing of a complaint or the
26 proposed filing of a complaint, except as otherwise authorized
27 under this rule or Rule 2.1 E, for the purpose of seeking legal
28 advice, as otherwise required by law or to carry out a function
29 of the Committee.

30 The Committee shall not have jurisdiction over, shall not

1 accept for review or action and shall return to the complainant
2 with a notice explaining the Committee's lack of jurisdiction
3 any of the following:

4 (1) a complaint filed later than five years following the
5 occurrence of the alleged unethical conduct or violation;

6 (2) a complaint filed against a former Member or former
7 House employee unless required by Section 7(c) of the
8 Legislative Code of Ethics; or

9 (3) a complaint filed against a Member during a restricted
10 period.

11 A five-year limitations period that expires during a
12 restricted period shall be tolled until the day following the
13 election occurring at the expiration of the restricted period.

14 Within 30 days following receipt of a complaint over which
15 the Committee has jurisdiction under this rule, the Committee
16 shall do one of the following:

17 (1) dismiss the complaint, with notice explaining the basis
18 for the Committee's dismissal, if it:

19 (a) alleges facts that do not constitute unethical
20 conduct or a violation of Rule 2.1 E;

21 (b) is objectively baseless;

22 (c) is insufficient as to form;

23 (d) is a frivolous complaint; or

24 (2) initiate a preliminary investigation of the alleged
25 unethical conduct or violation.

26 If the Committee initiates a preliminary investigation, it
27 shall, promptly upon voting to proceed, send the subject a
28 letter setting forth each allegation in the complaint. Within 15
29 days after receipt of the letter, the subject may file a written
30 response with the Committee. Failure of the subject to file a

1 response shall not be deemed to be an admission, or create an
2 inference or presumption, that the allegations in the complaint
3 are true, and such failure shall not prohibit the Committee from
4 either proceeding with the preliminary or a formal investigation
5 or dismissing the complaint. The Committee may engage an
6 independent counsel to assist in a preliminary investigation.
7 The subject may be represented by counsel of the subject's
8 choosing at any point during an investigation under this rule.

9 If the Committee initiates a preliminary investigation of a
10 complaint of a violation under Rule 2.1 E, it shall also send to
11 the appropriate employer a copy of the letter sent to the
12 subject setting forth each allegation in the complaint. Upon the
13 request of the complainant, the employer shall make adjustments
14 to the complainant's work hours, assignment or duties or
15 location that may be appropriate under the circumstances of the
16 allegations in the complaint. The adjustments may include:

- 17 (1) removing the complainant or the subject from the
18 physical work location of the complainant;
- 19 (2) allowing the complainant to be placed on administrative
20 leave with continued pay and benefits, if applicable; or
- 21 (3) any other reasonable accommodation agreed to by the
22 employer and the complainant.

23 The employer shall keep the letter and the fact of the
24 initiation of a preliminary investigation confidential but may
25 disclose necessary information to Members, officers of the House
26 or House employees as needed in order to implement the foregoing
27 adjustments. No House employee shall retaliate or take adverse
28 actions against the complainant in response to the filing of a
29 complaint of a violation of Rule 2.1 E with the Committee.

30 A member of the Committee who is the complainant, the subject

1 or a witness to the unethical conduct or violation alleged in a
2 complaint shall not participate in any Committee consideration
3 of the complaint. The Member shall be temporarily replaced on
4 the Committee in a like manner as his or her original
5 appointment.

6 Within 30 days following the initiation of a preliminary
7 investigation, the Committee shall vote to dismiss the complaint
8 for lack of probable cause to support the alleged unethical
9 conduct or violation or to proceed with a formal investigation
10 because it finds that probable cause exists. If a majority of
11 the Committee is unable to agree on either course of action, the
12 Committee shall dismiss the complaint. The Committee shall
13 promptly notify the subject in writing of the result.

14 If the Committee votes to proceed with a formal
15 investigation, the Committee shall engage an independent counsel
16 unless the Committee determines that the alleged unethical
17 conduct or violation raised in the complaint does not warrant
18 the expense of engaging an independent counsel. If the Committee
19 does not engage an independent counsel, the Committee shall be
20 represented in the investigation and any hearing conducted under
21 this rule by Committee staff attorneys, including at least one
22 from each party.

23 The Committee, including Committee staff attorneys, and any
24 independent counsel engaged by the Committee shall have the
25 power to conduct investigations and hearings under the
26 guidelines set out in this rule.

27 Where a provision of this rule conflicts with another Rule of
28 the House, the provision of this rule shall govern.

29 This rule shall be construed to empower the Committee and its
30 independent counsel to do all of the following:

- 1 (1) act as a neutral fact-finder;
- 2 (2) protect due process and other constitutional rights of a
3 subject;
- 4 (3) fully investigate and deter unethical conduct or
5 violation of Rule 2.1 E; and
- 6 (4) protect the public trust.

7 The Chief Clerk shall pay the fees and expenses of an
8 Independent Counsel engaged by the Committee under this rule.

9 The Committee may issue subpoenas for documents or testimony
10 as part of a preliminary investigation, a formal investigation
11 or in connection with a hearing before the Committee.

12 Notwithstanding the provision of any other Rule of the House,
13 subpoenas issued under this rule shall be in the name of the
14 Committee, shall be signed by the chair of the Committee and
15 shall be attested by another member of the Committee who voted
16 in favor of authorizing the subpoena.

17 A subpoena issued by the Committee may be served upon any
18 person and shall have the force and effect of a subpoena issued
19 out of the courts of this Commonwealth. Subpoenas shall be
20 served by the Sergeant-at-Arms of the House or another person
21 designated by the Committee when directed to do so by the
22 Committee. Each subpoena shall be addressed to the witness and
23 shall state that such proceeding is before a Committee of the
24 House for which the witness is required to attend and testify at
25 a specified time and place; or to produce books, papers,
26 records, accounts, reports, documents and data and information
27 produced and stored by any electronic data processing system; or
28 both, as the Committee may also require. Mileage and witness
29 fees shall be paid by the House to such witness in an amount
30 prescribed by law. Unless addressed to and served on the

1 subject, a copy of a subpoena issued by the Committee shall be
2 provided to the subject and the subject's counsel, if
3 applicable. A person who willfully neglects or refuses to comply
4 with a subpoena issued by the Committee shall be subject to the
5 penalties provided by the laws of this Commonwealth with respect
6 to such willful neglect or refusal. Notwithstanding the
7 foregoing, a recipient of a subpoena issued by the Committee may
8 object to the subpoena by serving notice of such objection on
9 the signatory to the subpoena and the Committee. The Committee
10 may quash or modify the subpoena if it finds the subpoena to be
11 overly broad or without proper purpose. Each member of the
12 Committee shall have the power to administer oaths and
13 affirmations to witnesses appearing before the Committee.

14 All subpoenaed books, papers, records, accounts, reports,
15 documents, data and information shall be returned to the person
16 from whom such material was subpoenaed when the Committee has
17 completed its examination of such material, but in no event
18 later than the date of final disposition of the matter.

19 Following the completion of a formal investigation, the
20 Committee shall conduct a hearing if:

21 (1) the independent counsel engaged by the Committee
22 recommends that a hearing be conducted and the Committee votes
23 to adopt the recommendation; or

24 (2) an independent counsel was not engaged by the Committee
25 but the Committee finds that the testimony and documents
26 reviewed by the Committee during the formal investigation
27 indicates more likely than not that the unethical conduct or
28 violation alleged in the complaint occurred.

29 If a hearing is to be conducted, the Committee shall provide
30 the subject and the subject's counsel, if applicable, with

1 written notice consistent with constitutional principles of due
2 process. The Pennsylvania Rules of Evidence shall apply during
3 the hearing, unless the Committee determines otherwise.
4 Notwithstanding the foregoing, the Committee may not infringe on
5 the right of the subject to present evidence, cross-examine
6 witnesses, face his or her accuser and be represented by counsel
7 at a hearing conducted under this rule.

8 Witnesses called to appear at a hearing under this rule,
9 including a subject, may be accompanied by his or her own
10 counsel for the purpose of advising him or her concerning his or
11 her constitutional rights. Counsel may interpose legal objection
12 to any and all questions which in the opinion of counsel may
13 violate the constitutional rights of his or her clients.

14 The proceedings of a hearing conducted under this rule shall
15 be either stenographically or electronically recorded. The
16 Committee shall determine which parts of such recorded
17 proceedings, if any, shall be transcribed.

18 The burden shall be on the independent counsel, if one has
19 been engaged by the Committee, or the Committee staff attorneys,
20 if an independent counsel has not been engaged, to prove, by
21 clear and convincing evidence, that the unethical conduct or
22 violation alleged in the complaint occurred. Within 30 days
23 following the conclusion of the formal investigation and
24 hearing, the Committee shall make a determination as to whether
25 the burden was met and shall submit its finding to the House. If
26 the Committee finds that the burden was met, the Committee may
27 make one or more of the following recommendations to the House:

- 28 (1) a reprimand of the subject;
- 29 (2) a censure of the subject;
- 30 (3) expulsion of the subject from the House; or

1 (4) the denial or limitation of any right, power or
2 privilege of the Member granted by Special Session Rules of the
3 House and not contrary to the Pennsylvania Constitution.

4 The Committee shall provide a written report of its findings
5 and recommendations, if any, to the subject and shall
6 simultaneously submit a copy of the same to the House. Only
7 findings and recommendations agreed to by a majority of the
8 Committee shall be included in the report. The report may
9 include a minority report. The House shall not take any action
10 on the findings and recommendations submitted by the Committee
11 and shall not make such findings and recommendations public
12 until a period of at least seven days has passed following the
13 Committee's provision of the report to the subject.

14 The Committee may extend any of the time periods, other than
15 those relating to the jurisdiction of the Committee, required
16 for any actions of the Committee or others under this rule.

17 The Committee shall maintain the confidentiality of all
18 complaints and complaint-related proceedings and actions, except
19 as provided in this rule. The Committee may disclose complaint
20 data, including the number of complaints received and
21 dispositions on complaints in the aggregate without identifying
22 information regarding the complainant or the accused. The
23 Committee shall maintain the confidentiality of all
24 investigations, hearings and meetings of the Committee relating
25 to an investigation and the existence of such investigations,
26 hearings, and meetings. A majority of the members of the
27 Committee may vote to suspend the confidentiality provisions in
28 this rule in whole or in part if information regarding a
29 complaint or an investigation has been entered into the public
30 domain by someone other than a member of the Committee and the

1 Committee determines that it is in the best interest of the
2 Committee to address public inquiry or information on the
3 complaint or investigation. In this case, the Committee may
4 disclose whether a complaint has been filed, the disposition or
5 status of action on the complaint and other information as the
6 Committee may determine is appropriate under the circumstances.
7 All other meetings of the Committee shall be open to the public.
8 Any member of the Committee breaching the confidentiality
9 provisions specified in this rule shall be removed immediately
10 from the Committee and replaced by another Member in a like
11 manner as his or her original appointment.

12 Meetings and hearings held related to the investigation of a
13 complaint shall be in the nature of executive session and shall
14 not be open to the public. All other meetings of the Committee
15 shall be open to the public.

16 Notwithstanding the above, except for a hearing on complaints
17 of a violation of Rule 2.1 E, the Committee shall conduct a
18 hearing in public upon the written request of the subject unless
19 the Committee determines that evidence or testimony to be
20 received at the hearing may substantially defame, degrade, or
21 incriminate a person other than the subject. In that event, the
22 Committee shall receive such evidence or testimony in executive
23 session. No evidence or testimony taken in executive session may
24 be released to any person or authority or used in public
25 sessions without the consent of the Committee.

26 The Committee may enter into a consent agreement with the
27 subject at any point in the proceedings. The Committee may make
28 an appropriate referral of a complaint to a law enforcement
29 agency at any point in the proceedings.

30 The complaint, response and records of the Committee shall be

1 confidential. Notwithstanding the foregoing:

2 (1) consent agreements and final findings by the Committee
3 of unethical conduct and the Committee's recommendations with
4 respect to such findings shall not be confidential;

5 (1.1) consent agreements and final findings by the Committee
6 of a violation of Rule 2.1 E shall not be confidential, except
7 that at the request of a complainant, the name of the
8 complainant and, unless the House considers a resolution to
9 discipline the subject, any facts that may lead to the
10 identification of the complainant, including the name of the
11 subject, shall be redacted before an agreement or final findings
12 of the Committee are made public;

13 (2) the subject may, in his or her discretion, make public a
14 finding by the Committee that no unethical conduct or violation
15 of Rule 2.1 E had occurred or that there was insufficient
16 evidence presented to the Committee that unethical conduct or a
17 violation of Rule 2.1 E had occurred, except that the subject
18 shall not make public the name of a complainant who filed a
19 complaint alleging a violation of Rule 2.1 E; and

20 (3) if the Committee makes a referral of a complaint to a
21 law enforcement agency, the Committee may provide the agency
22 with copies of documents and information in its possession.

23 Any member of the Committee breaching the confidentiality
24 provisions set forth in this rule shall be removed immediately
25 from the Committee and replaced by another Member in a like
26 manner as his or her original appointment.

27 A nondisclosure agreement shall not be imposed on an
28 individual as a condition of the initiation of the procedures
29 available under this rule for the filing and hearing of a
30 complaint of a violation of Rule 2.1 E.

1 Nothing in this paragraph shall be construed to prohibit the
2 complainant and the subject from voluntarily entering into a
3 settlement agreement with a nondisclosure provision agreed to by
4 each party as part of the settlement of a complaint or
5 proceeding. Notwithstanding the foregoing, a Member who is the
6 subject of a complaint of a violation of Rule 2.1 E filed with
7 the Committee shall not benefit from a nondisclosure agreement
8 or provision if a completed formal investigation of the
9 Committee finds that the complaint is credible or a final
10 decision by the Committee finds a violation.

11 The Committee may meet with a committee of the Senate to hold
12 investigations or hearings involving complaints against
13 employees of the two chambers jointly or officers or employees
14 of the Legislative Reference Bureau, the Joint State Government
15 Commission, the Local Government Commission, the Legislative
16 Budget and Finance Committee, the Legislative Data Processing
17 Committee or other legislative service agencies. No action may
18 be taken at a joint meeting unless it is approved by the
19 Committee. A member of the Committee who is the complainant, the
20 subject or a witness to the unethical conduct or violation of
21 Rule 2.1 E alleged in a complaint under this paragraph shall not
22 participate in any joint proceedings under this paragraph. The
23 Member shall be temporarily replaced on the Committee in a like
24 manner as his or her original appointment.