

House Government Oversight Committee Rules
2019-2020 Legislative Session

The following rules (the “Rules”) are adopted by the House Government Oversight Committee (the “Committee”) pursuant to Rule 45(A) of the General Operating Rules of the House of Representatives (the “House Rules”) to provide for the orderly conduct of the Committee. It is intended that these Rules shall supplement the House Rules, including House Rule 45(A), regarding the operation of the Committee.

Rule 1. Referrals.

(a) A referral to the Committee shall be in writing, submitted to the Capitol offices of the Majority Chair and the Minority Chair during normal business hours, and include the following information:

(i) The name and title of the individual making the referral.

(ii) The name of the executive agency or a description of the administrative action that is the subject of the referral.

(iii) The reason for and scope of the referral.

(iv) Any instructions for the Committee deemed relevant by the individual making the referral that do not conflict with House Rules.

(b) Each Chair shall be responsible for providing copies of the referral to their respective members of the Committee.

(c) The Majority Chair, after consultation with the Minority Chair, shall determine a date for a meeting of the Committee to review a referral submitted under subsection (a). The Majority Chair shall give Committee members at least 3 days’ prior written notice of the meeting, excluding weekends and holidays unless the House is in session. The meeting shall not be conducted in public. At the meeting, the Committee members will determine whether the referral is appropriate under House Rule 45(A).

(d) If a majority of the Committee members attending the meeting called under subsection (c) agree that the referral is appropriate, the Committee shall move forward with investigating the issues raised in the referral.

Rule 2. Meetings.

(a) Except as provided in Rule 1(c), the business of the Committee shall be conducted at such meetings as may be called by the Majority Chair with at least 48 hours prior written notice to Committee members. The Majority Chair shall announce in the notice to members whether the meeting will be conducted in public.

(b) To the extent possible, the Majority Chair shall provide at least 24-hour notice of subjects on the agenda.

(c) A meeting called to vote upon a final report of an investigation of matters raised by a referral shall be conducted in public. A meeting called under this subsection shall not be held until the members of the Committee have been provided with copies of the report for at least 3 days excluding weekends and holidays unless the House is in session. The Majority Chair shall publicize the meeting by posting a notice on the House's, and if in operation, the Committee's publicly accessible Internet website and in any additional manner as the Majority Chair shall determine. The affirmative vote of a majority of the members to which the Committee is entitled shall be required to adopt a final report.

(d) The Majority Chair shall preside over all meetings. In the absence of the Majority Chair, the ranking majority member shall preside.

(e) A majority of the members to which the Committee is entitled shall constitute a quorum for the proper conduct of its business. Except for the adoption of a final report under subsection (c) and except as provided in Rules 1(d) and 10, decisions by the Committee shall be determined by a vote of the majority of the members of the Committee present at a meeting or participating by proxy.

Rule 3. Proxies.

(a) Proxy voting shall be permitted at hearings and meetings in which the presence of a quorum of the members of the Committee is required. The procedures for proxy voting in House Rule 45 are hereby adopted as the Committee policy on proxy voting.

(b) Proxy voting shall not be permitted when voting on the adoption of a report on a referred matter.

Rule 4. Taking of Testimony at Hearings.

(a) Testimony of witnesses may be taken at a public hearing after notice as required by 65 Pa.C.S. Ch. 7 (relating to open meetings) without the presence of a quorum of the Committee when either the Majority Chair or two other members of the Committee are present.

(b) Hearings for the taking of testimony shall be called by the Majority Chair after consultation with the Minority Chair. The Majority Chair shall preside over all hearings. In the absence of the Majority Chair, the ranking majority member shall preside.

(c) The Majority Chair shall provide 7 days' prior written notice of the hearing to members of the Committee.

(d) Within 2 days after the notice under (c), the Majority Chair and the Minority Chair shall provide the members of the Committee with the identity of witnesses that each intends to call at the hearing.

(e) The Majority Chair may authorize a period of time for questions to be posed by one member of the Committee staff designated by the Majority Chair and one member of the Committee staff designated by the Minority Chair.

(f) The Majority Chair may invite the Majority and Minority Chair of a standing Committee with jurisdiction over the agency or subject matter of the investigation to participate in a hearing. The Majority and Minority Chair of a standing Committee may not participate in an executive session of the Committee.

(g) The participation of the Majority and Minority Chair of a standing committee under subsection (f) shall not include voting on any issue or matter.

(h) The Majority Chair, after consultation with the Minority Chair, may set a time and other limits on questions posed to witnesses at a hearing if necessary, for the orderly and expedient conduct of the hearing.

(i) Hearings shall be stenographically or electronically recorded. Testimony shall be provided under oath.

Rule 5. Depositions.

(a) The Majority Chair, after consultation with the Minority Chair at least 7 days prior, may authorize the taking of a deposition of a witness who may have information relevant to an investigation by a member of the Committee staff without the presence of a member of the Committee.

(b) In addition to the staff member designated by the Majority Chair, one staff member designated by the Minority Chair may participate and pose questions to the witness, in addition to any member present.

(c) Depositions shall be taken under oath administered by a member of the Committee or a person authorized to administer oaths.

(d) A transcript of the deposition, or a summary report of the deposition prepared either jointly or separately by the staff persons present, shall be distributed to each member of the Committee.

(e) Reports, transcripts and other information derived from a deposition shall remain confidential and not be disclosed to anyone except to the members of the Committee or Committee staff unless:

(i) the Committee consents to its release;

(ii) disclosure is necessary and made within the course of a member's or staff person's duties in conducting the investigation or is required by law; or

(iii) the disclosure is governed by the Whistleblower Law and complies with that Act.

Rule 6. Witness Interviews.

(a) At any time, the Majority Chair may authorize a member of the Committee staff to interview any witness(es) who may have information relevant to an investigation. Reasonable notice of the intent to interview and the identity of the witness(es) shall be given to the Minority Chair who may designate a member of the Committee staff to be present at and participate in the interview.

(b) A transcript of the interview, if available, or summary report prepared either jointly or separately by the staff persons present shall be distributed to each member of the Committee.

(c) Interview reports, transcripts and information derived from interviews shall remain confidential and not be disclosed to anyone except members of the Committee or designated Committee staff unless:

(i) the Committee consents to its release;

(ii) disclosure is necessary and made within the course of a member's or staff person's duties in conducting the investigation or is required by law; or

(iii) the disclosure is governed by the Whistleblower Law and complies with that Act.

Rule 7. Witness Counsel and Objections.

(a) Counsel for a witness appearing at a hearing or deposition shall provide his or her name, business address and Pennsylvania Supreme Court registration number.

(b) Counsel for a witness may object to a question posed to the witness which, in the opinion of counsel, violates the witness's civil or constitutional rights.

(c) Notwithstanding any other law, the Committee shall not seek to have a witness held in criminal or civil contempt of the House unless an order from a court of competent jurisdiction, requiring the witness to respond to the question posed, has first been secured.

Rule 8. Subpoenas.

(a) For any investigation undertaken by the Committee, the Committee may delegate to the Majority Chair the authority to issue any and all subpoenas, on the Chair's own initiative, requiring the attendance of any witness and/or the production of documents at a hearing or deposition. If so authorized, the Majority Chair may authorize the issuance of subpoenas at the request of the Minority Chair.

(b) Notwithstanding a delegation of authority to the Majority Chair under (a), upon written request by 4 members of the Committee to the Chair, the Chair shall call a meeting of the

Committee to permit a vote on whether or not one or more subpoenas which the Chair intends to issue should be served.

Rule 9. Statement of Independence.

(a) Any member of the Committee or staff person assigned to an investigation shall notify the Majority and Minority Chair of the existence of an actual or potential conflict of interest or matter which could create an appearance of a conflict or impropriety, as soon as practical after the member or staff person becomes aware of it.

(b) In recognizing the importance of fairness in the legislative oversight process, members of the Committee shall not engage in any activity which could interfere with the fairness and independence of the Committee or any matter before it.

Rule 10. Amendment of Rules.

These Rules may only be amended by the affirmative vote of at least 6 members of the Committee present at a meeting called under Rule 2.