

GENERAL AND PROCEDURAL RULES OF THE COMMITTEE

2023-2024 Session

The following Committee Rules, as provided for in House Ethical Conduct Rule 3E, are adopted by the House Committee on Ethics (“Committee”) to provide for the orderly conduct of Committee affairs, investigations, hearings and meetings, and to further the intent of Rule 3E as it applies to the House Committee on Ethics.

1. Confidentiality – Pursuant to Rule 3E, Committee investigations, hearings and meetings relating to specific investigations or individuals, and the fact that such investigation is being conducted or will be conducted shall be confidential unless the subject of the investigation advises the Committee in writing of his or her election otherwise. Therefore, all complaints and inquiries regarding potential complaints addressed to the Committee or Committee Members are considered confidential until such time as they may become public pursuant to the House Rules.
 - A. General Rules.
 - I. All complainants shall be advised in writing by the Committee that such complaints are confidential, and all action arising from such complaints are confidential, until such time as they may be made public pursuant to House Rules.
 - II. Complainants shall abide by House Rules and the House Committee on Ethics Rules with respect to confidentiality. The Committee Chair and Vice Chair are authorized to inform complainants of this requirement in writing.
 - III. The Committee shall ask every complainant to complete a formal verification statement notifying the complainant of the provisions of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
 - B. Advisory Opinions.
 - I. House Ethical Conduct Rule 3E authorizes the Committee to issue advisory opinions regarding “legislative nonprofit organizations.” Advisory opinions issued pursuant to this rule are public records subject to such deletions and changes as shall be necessary to protect the identity of the persons involved at the discretion of the person requesting such an opinion. In the event such deletions and or changes are requested they shall include redactions required to fully protect the identity of the requestor.

- II. Committee advisory opinions regarding “legislative nonprofit organizations” shall be available as public records inclusive of requested redactions in accordance with the act of February 14, 2008 (P.L. 6, No. 3) known as the Right to Know Law. These advisory opinions may also be published from time to time at the discretion of the Committee or requesting Member.
 - III. House Ethical Conduct Rule 3E authorizes the Committee to issue advisory opinions regarding other ethical issues, including legislative ethics or decorum. If a Member, officer or employee concerned about an ethical problem relating to that Member, officer or employee alone or in conjunction with others makes a request to the Committee for an advisory opinion (other than those pertaining to legislative nonprofit organizations) the Committee will issue the opinion in confidence exclusively to the requestor. A requestor that acts in good faith reliance on such an advisory opinion shall not be subject to any sanctions by the Committee for such actions provided the material facts are as stated in the advisory opinion request.
2. Procedural Rules – Pursuant to House Ethical Conduct Rule 3E, complaints to the House Committee on Ethics must be in writing, sworn or affirmed by the complainant, contain a verification statement in accord with Paragraph 1.A.III above, and must set forth in detail the conduct in question and the section of the statute or rule that the Committee has jurisdiction over which has allegedly been violated. Any contact with the Committee or a Committee Member which does not meet these specific requirements shall not be considered a complaint but may be considered an inquiry.
- A. General.
 - I. Complaints to the House Committee on Ethics shall be received by the Committee in the capitol offices of the Chair or Vice Chair of the Committee. Promptly upon receipt of any such complaint or inquiry by either office, a copy of the same shall be provided to the other office.
 - II. All complaints and requests for advisory opinions shall be confidential pursuant to House Rules, unless they may be made public pursuant to the Rules but shall be maintained in a manner agreed to by the Chair and Vice Chair such that they are available for review by Committee Members during normal business hours upon reasonable notice.

- III. Upon receipt of a complaint or request for an advisory opinion, the Chair and Vice Chair, by mutual agreement, may determine that the complaint contains insufficient information for Committee action. In such event, the Chair and Vice Chair may, in writing, request additional information from the complainant or requestor as is reasonably necessary to proceed. In such event, any time requirement with respect to rendering a decision or issuing an opinion shall be stayed until the necessary information is delivered to the Committee.
 - IV. While all such correspondence or writing requesting information required to investigate or render an opinion, and information responsive to any such request, is confidential, it shall be maintained by the Committee in a manner agreed to by the Committee Chair and Vice Chair such that it shall be available for review by Committee Members during normal business hours upon reasonable notice.
 - V. Upon receipt of any complaint, the Chair and Vice Chair of the Committee may by mutual agreement cause staff which is mutually agreeable to them to begin processing or gathering initial information for Committee use.
 - VI. If the Committee dismisses the complaint because the complaint alleges facts that do not constitute unethical conduct or a violation of Rule 2.1E, is objectively baseless, is materially insufficient as to form or is a frivolous complaint, the Committee shall provide notice to the complainant explaining the basis for dismissal.
 - VII. If, after a preliminary investigation, the Committee dismisses a complaint for lack of probable cause, the Committee shall promptly notify the complainant and subject in writing of the result and may also include advice to the subject regarding the ethics issues raised by the Complaint.
- B. Legislative Nonprofits Opinions. In each circumstance in which a Member may request an advisory opinion pursuant to the section dealing with “legislative nonprofit organizations,” such Member will be required to complete a questionnaire concerning information required to render such an opinion, the form of which shall be approved by the Committee. The requirement of issuing such advisory opinion within 14 days of receipt of such request shall be stayed until a completed questionnaire is submitted to the Committee. Upon receipt of the completed questionnaire, and after consultation and review, legal counsel for the Chair and Vice Chair shall conduct an initial review of the information. If the legal counsel, the Chair and Vice Chair are in agreement on the contents of an opinion, then the opinion shall be deemed approved by a majority of the Committee. The

opinion shall then be issued to the requesting Member without need for further Committee action. This procedure shall solely apply to Member requests for an opinion regarding legislative nonprofit organizations

3. Committee Sanctions – Upon the conclusion of a formal investigation and hearing, if the Committee finds, by clear and convincing evidence, that an ethics violation has occurred, the Committee may make one or more of the following recommendations to the House:

- I. A reprimand of the subject;
- II. A censure of the subject;
- III. Expulsion of the subject from the House; or

IV. The denial or limitation of any right, power or privilege of the Member granted by the Rules of the House and not contrary to the Pennsylvania Constitution.

4. Members' Handbook – The Committee shall compile, distribute and periodically update a Members' Handbook on Ethics. The Members' Handbook on Ethics shall contain sufficient information to advise Members, officers and employees of the House regarding potential conflicts of interest, nonfeasance, malfeasance and misfeasance in their legislative duties.

5. Ethics Education and Training – The Committee shall be responsible for planning and administering ethics education programs. The Committee will administer at least 2 hours of ethics education and training to the Members each legislative term. Any Member, official or employee of the House who attends a Committee-sponsored or authorized ethics education or training session must sign in at the start of the training and remain for the entire session. Signing the attendance sheet will fulfill the Member's, official's, or employee's obligation to certify to the Committee that the individual completed the required training.

Vote by Designation- House Rule 66(a) is hereby adopted as the policy on voting by designation.