
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 20

Session of
1997

INTRODUCED BY THOMAS, TRUE, ROBINSON, GEORGE, MYERS, READSHAW,
DONATUCCI, BELFANTI, SANTONI, DALEY, RAMOS, ROEBUCK, DeWEESE,
STETLER, MANDERINO, KIRKLAND, JAMES, CAWLEY, MARKOSEK,
LAUGHLIN, OLIVER, JAROLIN, LESCOVITZ, EVANS, ITKIN, VEON AND
CALTAGIRONE, JANUARY 27, 1997

REFERRED TO COMMITTEE ON RULES, JANUARY 27, 1997

A RESOLUTION

1 Amending House Rule 47 and adding a rule relating to
2 discriminatory or harassing conduct.

3 RESOLVED, That House Rule 47 be amended and the rules are
4 amended by adding a rule to read:

5 RULE 47

6 Ethics Committee

7 As used in the context of this rule, the word "committee"
8 shall mean the Committee on Ethics of the House of
9 Representatives, and the phrase "majority of the committee"
10 shall mean a majority of the members to which the committee is
11 entitled.

12 The committee shall consist of eight members: four of whom
13 shall be members of the majority party appointed by the Speaker,
14 and four of whom shall be members of the minority party
15 appointed by the Minority Leader. The Speaker shall appoint from
16 the members a chairman, vice chairman and secretary for the

1 committee. The chairman shall be a member of the majority party
2 and the vice chairman shall be a member of the minority party.

3 The chairman shall notify all members of the committee at
4 least 24 hours in advance of the date, time and place of a
5 regular meeting. Whenever the chairman shall refuse to call a
6 regular meeting, a majority of the committee may vote to call a
7 meeting by giving two days' written notice to the Speaker of the
8 House setting forth the time and place for such meeting. Such
9 notice shall be read in the House and posted in the House
10 Chamber by the Chief Clerk, or his designee. Thereafter, the
11 meeting shall be held at the time and place specified in such
12 notice.

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

24 The committee shall receive complaints against members,
25 officers and employees of the House, and persons registered or
26 carrying on activities regulated by the act of September 30,
27 1961 (P.L.1778, No.712), known as the "Lobbying Registration and
28 Regulation Act," alleging illegal [or], unethical or as defined
29 in Rule 79 discriminatory or harassing conduct. Any such
30 complaint must be in writing verified by the person filing the

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

21 A majority of the committee may initiate a preliminary
22 investigation of the suspected violation of a Legislative Code
23 of Ethics or House rule by a member, officer or employee of the
24 House or lobbyist. If it is determined by a majority of the
25 committee that a violation of a rule or law may have occurred,
26 the person in question shall be notified in writing of the
27 conduct in question and the section of the "Legislative Code of
28 Ethics," the "Lobbying Registration and Regulation Act" or House
29 rule violated. Within 15 days, such person may file a written
30 answer thereto. Upon receipt of the answer, by vote of a

1 majority of the committee, the committee shall either dismiss
2 the charges within ten days or proceed with a formal
3 investigation, to include hearings, not less than ten days nor
4 more than 30 days after notice in writing to the person so
5 charged. Failure of the person charged to file an answer shall
6 not be deemed to be an admission or create an inference or
7 presumption that the charge is true, and such failure to file an
8 answer shall not prohibit a majority of the committee from
9 either proceeding with a formal investigation or dismissing the
10 charge.

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

16 All constitutional rights of any person under investigation
17 shall be preserved, and such person shall be entitled to present
18 evidence, cross-examine witnesses, face his accuser, and be
19 represented by counsel.

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

28 All testimony, documents, records, data, statements or
29 information received by the committee in the course of any
30 investigation shall be private and confidential except in the

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

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

20 In the event that a member of the committee shall be under
21 investigation, such member shall be temporarily replaced on the
22 committee in a like manner as said member's original
23 appointment.

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

1 published and shall be distributed to all the members of the
2 House.

3 Any member of the committee breaching the confidentiality of
4 materials and events as set forth in this rule shall be removed
5 immediately from the committee and replaced by another member of
6 the House in a like manner as said member's original
7 appointment.

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

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

15 RULE 79

16 Discriminatory or Harassing Conduct

17 Discriminatory harassment and other forms of discrimination
18 are contrary to the spirit of American democracy and are matters
19 of concern to the Commonwealth. Such discrimination foments
20 domestic strife and unrest, threatens the rights and privileges
21 of the inhabitants of the Commonwealth and undermines the
22 foundations of a free democratic state. Discriminatory
23 harassment and other forms of discrimination in the House of
24 Representatives sets a bad example for the citizens of the
25 Commonwealth and threatens the integrity of the House of
26 Representatives. Such conduct is prohibited.

27 Discriminatory harassment means any verbal, symbolic or
28 physical conduct, in private or in public, which stigmatizes,
29 victimizes, derogates or offends individuals, groups or
30 communities based on race, color, religion, national origin,

1 ancestry, sex, sexual orientation, age or disability.
2 Discriminatory harassment includes, but is not limited to,
3 slurs, epithets, hate words, negative stereotyping, demeaning
4 jokes, derogatory statements, threats and intimidation which
5 have the purpose or effect of creating embarrassment, injury, a
6 hostile environment or other harm.

7 Discriminatory conduct includes conduct involving all aspects
8 of employment, including, but not limited to, hiring, promotion,
9 demotion, discipline, termination, terms, conditions and
10 benefits of employment, of both paid and unpaid persons, as well
11 as conduct involving all members of the House of
12 Representatives, lobbyists or others having contact with members
13 and employees, including unpaid persons, which is based on race,
14 color, religion, national origin, ancestry, sex, sexual
15 orientation, age or disability.