

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 AND WILLIAMS, MAY 7, 2007

REFERRED TO COMMITTEE ON RULES, MAY 7, 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], two of
11 whom shall be members of the majority party appointed by the
12 [Speaker, and four] Majority Leader, and two of whom shall be
13 members of the minority party appointed by the Minority Leader.
14 Each caucus shall submit a list of members who have expressed
15 their willingness to serve on the committee, from which two
16 members from each list shall be chosen by the Chief Clerk by a

1 method of random selection. In addition, two members from each
2 party shall be chosen to serve as alternate committee members as
3 follows: one alternate member shall be appointed by the party
4 leader, and one alternate member shall be chosen by the Chief
5 Clerk by a method of random selection. The [Speaker shall
6 appoint from the members] committee members shall elect a chair,
7 vice chair and secretary for the committee. The chair [shall be
8 a member of the majority party and the vice chair shall be a
9 member of the minority party] and the vice chair shall not be
10 members of the same party.

11 The chair shall notify all members of the committee at least
12 24 hours in advance of the date, time and place of a regular
13 meeting. Whenever the chair shall refuse to call a regular
14 meeting, a majority of the committee may vote to call a meeting
15 by giving two days' written notice to the Speaker of the House
16 setting forth the time and place for such meeting. Such notice
17 shall be read in the House and posted in the House Chamber by
18 the Chief Clerk, or a designee. Thereafter, the meeting shall be
19 held at the time and place specified in such notice.

20 The committee shall compile a Members' Handbook on Ethics to
21 advise members, officers and employees of the House on matters
22 regarding conflicts of interest, and nonfeasance, malfeasance
23 and misfeasance in legislative duties.

24 Each member shall be required to complete two hours of ethics
25 education and training each legislative term. The committee
26 shall be responsible for planning and offering the ethics
27 education programs.

28 The committee shall conduct its investigations, hearings and
29 meetings relating to a specific investigation or a specific
30 member, officer or employee of the House in closed session and

1 the fact that such investigation is being conducted or to be
2 conducted or that hearings or such meetings are being held or
3 are to be held shall be confidential information unless the
4 person subject to investigation advises the committee in writing
5 that he or she elects that such hearings shall be held publicly.
6 In the event of such an election, the committee shall furnish
7 such person a public hearing. All other meetings of the
8 committee shall be open to the public.

9 The committee shall receive complaints against members,
10 officers and employees of the House, and persons registered or
11 carrying on activities regulated by 65 Pa.C.S. Ch. 13A (relating
12 to lobbying disclosure), alleging illegal or unethical conduct.
13 Any such complaint must be in writing verified by the person
14 filing the complaint and must set forth in detail the conduct in
15 question and the section of the "Legislative Code of Ethics,"
16 the provision of 65 Pa.C.S Ch. 13A or the House rule violated.
17 The committee shall make a preliminary investigation of the
18 complaint, and if it is determined by a majority of the
19 committee that a violation of the rule or law may have occurred,
20 the person against whom the complaint has been brought shall be
21 notified in writing and given a copy of the complaint. Within 15
22 days after receipt of the complaint, such person may file a
23 written answer thereto with the committee. Upon receipt of the
24 answer, by vote of a majority of the committee, the committee
25 shall either dismiss the complaint within ten days or proceed
26 with a formal investigation, to include hearings, not less than
27 ten days nor more than 30 days after notice in writing to the
28 persons so charged. Failure of the person charged to file an
29 answer shall not be deemed to be an admission or create an
30 inference or presumption that the complaint is true, and such

1 failure to file an answer shall not prohibit a majority of the
2 committee from either proceeding with a formal investigation or
3 dismissing the complaint.

4 A majority of the committee may initiate a preliminary
5 investigation of the suspected violation of a Legislative Code
6 of Ethics or House rule by a member, officer or employee of the
7 House or lobbyist. If it is determined by a majority of the
8 committee that a violation of a rule or law may have occurred,
9 the person in question shall be notified in writing of the
10 conduct in question and the section of the "Legislative Code of
11 Ethics," the provision of 65 Pa.C.S. Ch. 13A or the House rule
12 violated. Within 15 days, such person may file a written answer
13 thereto. Upon receipt of the answer, by vote of a majority of
14 the committee, the committee shall either dismiss the charges
15 within ten days or proceed with a formal investigation, to
16 include hearings, not less than ten days nor more than 30 days
17 after notice in writing to the person so charged. Failure of the
18 person charged to file an answer shall not be deemed to be an
19 admission or create an inference or presumption that the charge
20 is true, and such failure to file an answer shall not prohibit a
21 majority of the committee from either proceeding with a formal
22 investigation or dismissing the charge.

23 In the event that the committee shall elect to proceed with a
24 formal investigation of the conduct of any member, officer or
25 employee of the House, the committee shall employ independent
26 counsel who shall not be employed by the House for any other
27 purpose or in any other capacity during such investigation.

28 All constitutional rights of any person under investigation
29 shall be preserved, and such person shall be entitled to present
30 evidence, cross-examine witnesses, face his or her accuser, and

1 be represented by counsel.

2 The chair may continue any hearing for reasonable cause, and
3 upon the vote of a majority of the committee or upon the request
4 of the person subject to investigation, the chair shall issue
5 subpoenas for the attendance and testimony of witnesses and the
6 production of documentary evidence relating to any matter under
7 formal investigation by the committee. The committee may
8 administer oaths or affirmations and examine and receive
9 evidence.

10 All testimony, documents, records, data, statements or
11 information received by the committee in the course of any
12 investigation shall be private and confidential except in the
13 case of public hearings or in a report to the House. No report
14 shall be made to the House unless a majority of the committee
15 has made a finding of unethical or illegal conduct on the part
16 of the person under investigation. No finding of unethical or
17 illegal conduct shall be valid unless signed by at least a
18 majority of the committee. Any such report may include a
19 minority report. The committee shall have the authority to
20 recommend to the House action as appropriate. No action shall be
21 taken by the House on any finding of illegal or unethical
22 conduct nor shall such finding or report containing such finding
23 be made public sooner than seven days after a copy of the
24 finding is sent by certified mail to the member, officer or
25 employee under investigation.

26 The committee may meet with a committee of the Senate to hold
27 investigations or hearings involving employees of the two houses
28 jointly or officers or employees of the Legislative Reference
29 Bureau, the Joint State Government Commission, the Local
30 Government Commission, the Legislative Budget and Finance

1 Committee and the Legislative Data Processing Committee;
2 provided, however, that no action may be taken at a joint
3 meeting unless it is approved by a majority of the committee.

4 In the event that a member of the committee shall be under
5 investigation, such member shall be temporarily replaced on the
6 committee by the alternate member from the same party who was
7 selected in a like manner as said member's original appointment.

8 The committee, [whether or not] at the request of a member,
9 officer or employee concerned about an ethical problem relating
10 to the member, officer or employee alone or in conjunction with
11 others, may render advisory opinions with regard to questions
12 pertaining to legislative ethics or decorum. Such advisory
13 opinions[, with such deletions and changes as shall be necessary
14 to protect the identity of the persons involved or seeking them,
15 may be published and shall be distributed to all the members of
16 the House] shall be confidential and shall apply exclusively to
17 the requestor.

18 Any member of the committee breaching the confidentiality of
19 materials and events as set forth in this rule shall be removed
20 immediately from the committee and replaced by [another member
21 of the House] the alternate member from the same party who was
22 selected in a like manner as said member's original appointment.

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

26 The committee shall continue to exist and have authority and
27 power to function after the sine die adjournment of the General
28 Assembly and shall so continue until the expiration of the then
29 current term of office of the members of the committee.