

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, WILLIAMS AND CALTAGIRONE, MAY 7, 2007

AS REPORTED FROM COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 15, 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 ~~:FOUR OF whom shall be members of the majority party appointed~~ <—
12 ~~by the {Speaker, and four} Majority Leader, and two of whom~~ <—
13 ~~shall be members of the minority party appointed by the Minority~~
14 ~~Leader. Each caucus shall submit a list of members who have~~ <—
15 ~~expressed their willingness to serve on the committee, from~~
16 ~~which two members from each list shall be chosen by the Chief~~

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

11 BEGINNING 60 DAYS AFTER THE ADOPTION OF THIS PARAGRAPH, THE
12 COMMITTEE SHALL CONSIST OF EIGHT MEMBERS, TWO OF WHOM SHALL BE
13 MEMBERS OF THE MAJORITY PARTY APPOINTED BY THE MAJORITY LEADER,
14 AND TWO OF WHOM SHALL BE MEMBERS OF THE MINORITY PARTY APPOINTED
15 BY THE MINORITY LEADER. BEGINNING 45 DAYS AFTER THE ADOPTION OF
16 THIS PARAGRAPH, EACH CAUCUS SHALL SUBMIT A LIST OF MEMBERS WHO
17 HAVE EXPRESSED THEIR WILLINGNESS TO SERVE ON THE COMMITTEE, FROM
18 WHICH TWO MEMBERS FROM EACH LIST SHALL BE CHOSEN BY THE CHIEF
19 CLERK BY A METHOD OF RANDOM SELECTION. IN ADDITION, TWO MEMBERS
20 FROM EACH PARTY SHALL BE CHOSEN TO SERVE AS ALTERNATE COMMITTEE
21 MEMBERS AS FOLLOWS: ONE ALTERNATE MEMBER SHALL BE APPOINTED BY
22 THE PARTY LEADER, AND ONE ALTERNATE MEMBER SHALL BE CHOSEN BY
23 THE CHIEF CLERK BY A METHOD OF RANDOM SELECTION. THE SPEAKER
24 SHALL APPOINT FROM THE MEMBERS A CHAIR, VICE CHAIR AND SECRETARY
25 FOR THE COMMITTEE. THE CHAIR AND THE VICE CHAIR SHALL NOT BE
26 MEMBERS OF THE SAME PARTY.

27 The chair shall notify all members of the committee at least
28 24 hours in advance of the date, time and place of a regular
29 meeting. Whenever the chair shall refuse to call a regular
30 meeting, a majority of the committee may vote to call a meeting

1 by giving two days' written notice to the Speaker of the House
2 setting forth the time and place for such meeting. Such notice
3 shall be read in the House and posted in the House Chamber by
4 the Chief Clerk, or a designee. Thereafter, the meeting shall be
5 held at the time and place specified in such notice.

6 The committee shall compile a Members' Handbook on Ethics to
7 advise members, officers and employees of the House on matters
8 regarding conflicts of interest, and nonfeasance, malfeasance
9 and misfeasance in legislative duties.

10 Each member shall be required to complete two hours of ethics
11 education and training each legislative term. The committee
12 shall be responsible for planning and offering the ethics
13 education programs.

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

25 The committee shall receive complaints against members,
26 officers and employees of the House, and persons registered or
27 carrying on activities regulated by 65 Pa.C.S. Ch. 13A (relating
28 to lobbying disclosure), alleging illegal or unethical conduct.
29 Any such complaint must be in writing verified by the person
30 filing the complaint and must set forth in detail the conduct in

1 question and the section of the "Legislative Code of Ethics,"
2 the provision of 65 Pa.C.S Ch. 13A or the House rule violated.
3 The committee shall make a preliminary investigation of the
4 complaint, and if it is determined by a majority of the
5 committee that a violation of the rule or law may have occurred,
6 the person against whom the complaint has been brought shall be
7 notified in writing and given a copy of the complaint. Within 15
8 days after receipt of the complaint, such person may file a
9 written answer thereto with the committee. Upon receipt of the
10 answer, by vote of a majority of the committee, the committee
11 shall either dismiss the complaint within ten days or proceed
12 with a formal investigation, to include hearings, not less than
13 ten days nor more than 30 days after notice in writing to the
14 persons so charged. Failure of the person charged to file an
15 answer shall not be deemed to be an admission or create an
16 inference or presumption that the complaint is true, and such
17 failure to file an answer shall not prohibit a majority of the
18 committee from either proceeding with a formal investigation or
19 dismissing the complaint.

20 A majority of the committee may initiate a preliminary
21 investigation of the suspected violation of a Legislative Code
22 of Ethics or House rule by a member, officer or employee of the
23 House or lobbyist. If it is determined by a majority of the
24 committee that a violation of a rule or law may have occurred,
25 the person in question shall be notified in writing of the
26 conduct in question and the section of the "Legislative Code of
27 Ethics," the provision of 65 Pa.C.S. Ch. 13A or the House rule
28 violated. Within 15 days, such person may file a written answer
29 thereto. Upon receipt of the answer, by vote of a majority of
30 the committee, the committee shall either dismiss the charges

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

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

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

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

26 All testimony, documents, records, data, statements or
27 information received by the committee in the course of any
28 investigation shall be private and confidential except in the
29 case of public hearings or in a report to the House. No report
30 shall be made to the House unless a majority of the committee

1 has made a finding of unethical or illegal conduct on the part
2 of the person under investigation. No finding of unethical or
3 illegal conduct shall be valid unless signed by at least a
4 majority of the committee. Any such report may include a
5 minority report. The committee shall have the authority to
6 recommend to the House action as appropriate. No action shall be
7 taken by the House on any finding of illegal or unethical
8 conduct nor shall such finding or report containing such finding
9 be made public sooner than seven days after a copy of the
10 finding is sent by certified mail to the member, officer or
11 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 by the alternate member from the same party who was
23 selected in a like manner as said member's original 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 the member, officer or employee alone or in conjunction with
27 others, may render advisory opinions with regard to questions
28 pertaining to legislative ethics or decorum. Such advisory
29 opinions[, with such deletions and changes as shall be necessary
30 to protect the identity of the persons involved or seeking them,

1 may be published and shall be distributed to all the members of
2 the House] shall be confidential and shall apply exclusively to
3 the requestor.

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

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

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

16 ALL MATTERS CURRENTLY PENDING BEFORE THE COMMITTEE AT THE ←
17 TIME OF PASSAGE OF THIS PARAGRAPH SHALL BE HANDLED BY MEMBERS OF
18 THE COMMITTEE WHO WERE APPOINTED UNDER THIS RULE AS ADOPTED IN
19 HOUSE RESOLUTION NO. 108, PRINTER'S NO. 814 (2007), WHO SHALL
20 CONTINUE SERVING UNTIL THEIR SUCCESSORS ARE APPOINTED ON
21 DECEMBER 3, 2007. ALL NEW MATTERS FILED WITH THE COMMITTEE AFTER
22 PASSAGE OF THIS PARAGRAPH, EXCEPT FOR ADVISORY OPINIONS
23 REQUESTED UNDER RULE 14, SHALL BE REFERRED FOR ACTION TO THE
24 COMMITTEE AS NEWLY CONSTITUTED UNDER THIS RULE.