
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1094 Session of
2003

INTRODUCED BY LEVDANSKY, CREIGHTON, FREEMAN, HARHAI, HORSEY,
KELLER, PISTELLA, PRESTON, RUFFING, SCRIMENTI, WASHINGTON AND
YOUNGBLOOD, APRIL 8, 2003

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 8, 2003

AN ACT

1 Establishing by law an administrative investigative office for
2 executive agencies and certain independent agencies under the
3 Governor known as the Office of Inspector General for the
4 Commonwealth of Pennsylvania; and imposing powers and duties
5 on the Inspector General.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Commonwealth
10 Inspector General Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Commonwealth agency." Any executive agency or independent
16 agency.

17 "Executive agency." The Governor and the departments,
18 boards, commissions, authorities and other officers and agencies
19 of the Commonwealth government, but the term does not include

1 any court or other officer or agency of the unified judicial
2 system, the General Assembly and its officers and agencies, or
3 any independent agency as defined in this section.

4 "Independent agency." The Pennsylvania Fish and Boat
5 Commission and the Pennsylvania Game Commission.

6 Section 3. Office of Inspector General.

7 (a) Establishment.--The Office of Inspector General is
8 established as an administrative investigative office under the
9 Governor.

10 (b) Appointment.--The Governor, with the consent of a
11 majority of the members of the Senate, shall appoint an
12 Inspector General for Commonwealth agencies. The Inspector
13 General shall serve at the pleasure of the Governor.

14 (c) Compensation.--The compensation of the Inspector General
15 shall be fixed by the Executive Board.

16 Section 4. Purposes.

17 The purposes of the Office of Inspector General are as
18 follows:

19 (1) To deter, detect, prevent and eradicate fraud,
20 waste, misconduct and abuse in the programs, operations and
21 contracting of Commonwealth agencies.

22 (2) To provide a means for keeping the heads of
23 Commonwealth agencies and the Governor fully and currently
24 informed about problems and deficiencies relating to the
25 administration of programs, contracting and operations and
26 the necessity for and progress of corrective action.

27 Section 5. Powers and duties.

28 The powers and duties of the Office of Inspector General are
29 as follows:

30 (1) To initiate, supervise, coordinate and provide

1 policy direction for investigative activities relating to
2 fraud, waste, misconduct or abuse in programs and operations
3 of the Commonwealth agencies.

4 (2) To recommend policies for, and to conduct, supervise
5 or coordinate, activities designed to deter, detect, prevent
6 and eradicate fraud, waste, misconduct and abuse in
7 Commonwealth agencies.

8 (3) To report expeditiously to the Attorney General
9 whenever the Inspector General has reasonable grounds to
10 believe there has been a violation of criminal law, and to
11 work and cooperate fully with the Attorney General.

12 (4) To refer matters to the heads of Commonwealth
13 agencies whenever the Inspector General determines that
14 disciplinary or other administrative action is appropriate.

15 Section 6. Additional powers.

16 In addition to the authority otherwise provided in this act,
17 the Inspector General in carrying out powers and duties is
18 authorized:

19 (1) To have access to records, reports, audits, reviews,
20 documents, papers, recommendations or other material
21 available to the Commonwealth agency to the extent that the
22 materials are not restricted by law.

23 (2) To make the investigations and reports relating to
24 the administration of the programs and operations of the
25 applicable establishment as are, in the judgment of the
26 Inspector General, necessary or desirable. If the Inspector
27 General determines a report should be issued, the Inspector
28 General shall consult with the Attorney General prior to
29 issuance of a report to insure against an adverse impact on
30 the grand jury proceedings and prosecutions conducted by the

Office of Attorney General.

(3) To request the information or assistance, as necessary for carrying out the powers and duties provided by this section, from a Federal, State or local government agency.

(4) To require by written notice the production of information, documents, reports, answers, records, accounts, papers and other necessary data and documentary evidence not otherwise restricted.

(5) To have direct and prompt access to the heads of Commonwealth agencies, when necessary, for a purpose pertaining to the performance of powers and duties under this section.

(6) To select, appoint and employ officers and employees as may be necessary for carrying out the powers and duties of the office. The officers and employees shall be employed in accordance with current procedures of the Governor's Office of Administration and may be assigned by the Inspector General to designated Commonwealth agencies.

Section 7. Reports of nonassistance.

If information or assistance requested is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Governor, the Attorney General and the head of the Commonwealth agency without delay.

Section 8. Employee reports.

(a) General rule.--The Inspector General may receive and investigate complaints or information from an employee of a Commonwealth agency concerning the possible existence of an activity constituting a violation of law or regulations,

1 mismanagement, gross waste of funds, abuse of authority or
2 substantial and specific danger to the public health and safety.

3 (b) Employee protection.--An employee who has authority to
4 take, direct others to take, recommend or approve a personnel
5 action may not, with respect to that authority, take or threaten
6 to take an action against an employee as a reprisal for making a
7 complaint or disclosing information to the Inspector General
8 unless the complaint was made or the information disclosed was
9 with the knowledge that it was false or with willful disregard
10 for its truth or falsity. The protections in this subsection for
11 employees who report, in good faith, fraud, waste, misconduct,
12 malfeasance, misfeasance, nonfeasance or abuse are in addition
13 and supplementary to protection provided by the act of December
14 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.
15 Section 9. Effective date.

16 This act shall take effect in 60 days.