

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1025 Session of
2015

INTRODUCED BY AUMENT, SCARNATI, ARGALL, SCAVELLO, GORDNER,
YUDICHAK, RAFFERTY, VULAKOVICH, VANCE, MENSCH, WARD, BROWNE,
STEFANO AND VOGEL, OCTOBER 9, 2015

REFERRED TO STATE GOVERNMENT, OCTOBER 9, 2015

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," establishing the Office of
21 State Inspector General.

22 The General Assembly finds and declares that:

23 (1) The prevention of fraud, waste, abuse and corruption
24 of the agencies of State government is an important
25 responsibility of the Commonwealth.

26 (2) The prevention of waste, fraud, abuse and corruption
27 in State agencies depends in part on the development,

1 implementation and enforcement of sound policies and
2 procedures to that end.

3 (3) Each State agency should exercise constant vigilance
4 and firmly commit to the implementation and enforcement of
5 such policies and procedures.

6 (4) The establishment of a full-time program of
7 investigation and performance review to provide increased
8 accountability and oversight over State agencies best helps
9 deter and identify waste, fraud, abuse and illegal acts.

10 (5) The statutory creation of a wholly independent
11 office of Inspector General to conduct investigations,
12 inspections and other reviews in accordance with those
13 professional standards that relate to the fields of
14 investigation in governmental environments is necessary to
15 achieve these goals.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
19 as The Administrative Code of 1929, is amended by adding an
20 article to read:

21 ARTICLE V-A

22 OFFICE OF STATE INSPECTOR GENERAL

23 Section 501-A. Definitions.

24 The following words and phrases when used in this article
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Office." The Office of State Inspector General.

28 "Executive agency." As defined in section 102 of the act of
29 act of October 15, 1980 (P.L.950, No.164), known as the
30 Commonwealth Attorneys Act.

1 Section 502-A. Office of State Inspector General.

2 (a) Establishment.--The Office of State Inspector General is
3 established.

4 (b) Appointment.--Within 90 days of the effective date of
5 this section, the Governor shall nominate a State Inspector
6 General who shall serve for a term of six years. The nomination
7 of the State Inspector General shall be confirmed by the Senate
8 by two-thirds of all the members of the Senate. Compensation
9 shall be set by the Executive Board established under section
10 204. The State Inspector General may serve no more than two
11 terms.

12 (c) Limitation.--The State Inspector General may not seek
13 election nor accept appointment to a political office during his
14 or her tenure as State Inspector General and for one year
15 thereafter.

16 (d) Removal.--The State Inspector General may be removed by
17 the Governor for cause.

18 Section 503-A. Powers, purpose and duties.

19 (a) Powers.--The State Inspector General shall have the
20 power to do the following:

21 (1) Make an investigation and report relating to the
22 administration of a program and operation of an executive
23 agency that the State Inspector General determines is
24 necessary. If the State Inspector General determines that a
25 report should be issued, the State Inspector General may
26 consult with the Office of General Counsel or the Attorney
27 General before issuing the report to insure against an
28 adverse impact on a grand jury proceeding or prosecution
29 being conducted by a law enforcement agency.

30 (2) Request information or assistance necessary for

1 carrying out the duties and responsibilities under this
2 article from a Federal, State or local government agency or a
3 unit of a Federal, State or local government agency.

4 (3) Require and obtain, by written notice from an
5 officer and employee of an executive agency and the Executive
6 Department, information, documents, reports, answers,
7 records, accounts, papers and other necessary data and
8 documentary evidence.

9 (4) Have direct and prompt access to the heads of
10 executive agencies if necessary for a purpose pertaining to
11 the performance of functions and responsibilities under this
12 article.

13 (5) Select, appoint and employ officers and employees
14 necessary for carrying out the functions, powers and duties
15 of the office. The officers and employes must be employed in
16 accordance with current procedures of the Office of
17 Administration and may be assigned by the State Inspector
18 General to a designated executive agency.

19 (b) Purpose.--The purpose of the Office of State Inspector
20 General is as follows:

21 (1) To deter, detect, prevent and eradicate fraud,
22 waste, misconduct and abuse in a program, operation and
23 contracting of an executive agency.

24 (2) To keep the head of an executive agency, the
25 Governor and the President pro tempore of the Senate and the
26 Speaker of the House of Representatives fully informed about
27 a problem and deficiency relating to the administration of a
28 program, operation and contracting in an executive agency.

29 (3) To provide leadership, coordination and control over
30 satellite Inspector General Offices in a designated executive

1 agency to insure a coordinated and efficient administration
2 of duties and use of staff. The existing Office of Inspector
3 General in the Department of Transportation shall continue as
4 a satellite Inspector General Office. Each satellite
5 Inspector General Office in an executive agency shall report
6 to and follow the direction of the State Inspector General.

7 (c) Duties.--It is the duty of the State Inspector General
8 to:

9 (1) Inspect, evaluate, investigate and review the
10 activities, records and individuals with contracts,
11 procurements, grants, agreements and other financial
12 arrangements undertaken by an executive agency, for the
13 purposes of identifying fraud, waste, misconduct or abuse.

14 (2) Conduct criminal, civil and administrative
15 investigations.

16 (3) Make referrals to the Auditor General for the audit
17 of the economy, efficiency and effectiveness of an executive
18 agency's operations and functions and conduct reviews of the
19 executive agency's performance measurement system.

20 (4) Review the reliability and validity of the
21 information provided by an executive agency's performance
22 measures and standards.

23 (5) Provide information and evidence that relates to
24 criminal acts to appropriate law enforcement officials.

25 (6) Receive and investigate complaints from any source
26 or upon the State Inspector General's own initiative
27 concerning alleged abuses, frauds and service deficiencies,
28 including deficiencies in the operation and maintenance of a
29 facility.

30 (7) Engage in prevention activities, including, but not

1 limited to, review of legislation, review of rules,
2 regulations, policies, procedures and transactions, training
3 and education.

4 (8) Refer matters for further civil, criminal and
5 administrative action to appropriate administrative and
6 prosecutorial agencies.

7 (9) Conduct joint investigations and projects with other
8 oversight or law enforcement agencies.

9 (10) Recommend remedial actions to be taken by an
10 executive agency to overcome or correct operating or
11 maintenance deficiencies and inefficiencies that were
12 identified by the State Inspector General.

13 (11) Issue public reports.

14 (12) Monitor implementation of recommendations made by
15 the State Inspector General and other audit agencies.

16 (13) Maintain information regarding the cost of
17 investigations and cooperate with appropriate administrative
18 and prosecutorial agencies in recovering the costs from
19 nongovernmental entities involved in willful misconduct.

20 (14) Perform any other functions necessary to effectuate
21 this article.

22 Section 504-A. Request for information.

23 (a) Duty.--Upon request of the State Inspector General for
24 information or assistance, an executive agency must within 10
25 days furnish the information and assistance to the State
26 Inspector General or an authorized designee.

27 (b) Report.--If information or assistance requested under
28 subsection (a) is, in the judgment of the State Inspector
29 General, unreasonably refused or not provided, the State
30 Inspector General may report the circumstances to the head of

1 the agency, the Office of General Counsel, the President pro
2 tempore of the Senate and the Speaker of the House of
3 Representatives for appropriate action.

4 Section 505-A. Complaint, disclosure and reprisal.

5 (a) Complaint.--The State Inspector General may receive and
6 investigate a complaint or information concerning the possible
7 existence of an activity in an executive agency constituting any
8 of the following:

9 (1) A violation of a law, rule or regulation.

10 (2) Mismanagement, fraud, waste of funds, abuse of
11 authority, malfeasance, misfeasance and nonfeasance.

12 (3) A substantial and specific danger to the public
13 health and safety.

14 (b) Disclosure.--A person may not take or threaten to take
15 action against an employee as a reprisal for making a complaint
16 or disclosing information to the State Inspector General, except
17 if the complaint was made or the information was disclosed with
18 the knowledge that the complaint or information was false or
19 with willful disregard for the truth or falsity of the complaint
20 or information.

21 (c) Protection.--The protections in this article for
22 employees who report, in good faith, fraud, waste, misconduct,
23 malfeasance, misfeasance, nonfeasance or abuse shall be in
24 addition and supplementary to each protection provided by the
25 act of December 12, 1986 (P.L.1559, No.169), known as the
26 Whistleblower Law.

27 Section 506-A. Appropriation.

28 The appropriation for the office shall be in a separate line
29 item and shall be under the jurisdiction of the State Inspector
30 General.

1 Section 2. Except as otherwise provided in Article V-A of
2 the act, all activities initiated by the Office of Inspector
3 General in existence on the effective date of this section shall
4 continue and remain in full force and effect and may be
5 completed under Article V-A of the act. Orders, regulations,
6 rules and decisions which were made by the Office of Inspector
7 General in existence on the effective date of this section and
8 which are in effect on the effective date of this section shall
9 remain in full force and effect until revoked, vacated or
10 modified under Article V-A of the act. Contracts, obligations
11 and collective bargaining agreements entered into by the Office
12 of Inspector General in existence on the effective date of this
13 section are not affected nor impaired by the addition of Article
14 V-A of the act.

15 Section 3. This act shall take effect in 60 days.