

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 618 Session of
1991

INTRODUCED BY LEVDANSKY, NOYE, CAPPABIANCA, GRUPPO, PISTELLA,
BUNT, PESCI, DALEY, KRUSZEWSKI, BILLOW, SALOOM, SCRIMENTI AND
MICHLOVIC, MARCH 12, 1991

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 12, 1991

AN ACT

1 Establishing by law an administrative investigative office for
2 certain independent agencies under the Governor known as the
3 Office of Inspector General for the Commonwealth of
4 Pennsylvania; and imposing powers and duties on the Inspector
5 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 "Independent agency." The Pennsylvania Fish Commission and
16 the Pennsylvania Game Commission.

17 Section 3. Office of Inspector General.

18 (a) Establishment.--The Office of Inspector General is
19 established as an administrative investigative office under the

1 Governor.

2 (b) Appointment.--The Governor, with the consent of a
3 majority of the members of the Senate, shall appoint an
4 Inspector General for the independent agencies. The Inspector
5 General shall serve at the pleasure of the Governor.

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

8 Section 4. Purposes.

9 The purposes of the Office of Inspector General are as
10 follows:

11 (1) To deter, detect, prevent and eradicate fraud,
12 waste, misconduct and abuse in the programs, operations and
13 contracting of independent agencies.

14 (2) To provide a means for keeping the heads of
15 independent agencies and the Governor fully and currently
16 informed about problems and deficiencies relating to the
17 administration of programs, contracting and operations and
18 the necessity for and progress of corrective action.

19 Section 5. Powers and duties.

20 The powers and duties of the Office of Inspector General are
21 as follows:

22 (1) To initiate, supervise, coordinate and provide
23 policy direction for investigative activities relating to
24 fraud, waste, misconduct or abuse in programs and operations
25 of the independent agencies.

26 (2) To recommend policies for, and to conduct, supervise
27 or coordinate, activities designed to deter, detect, prevent
28 and eradicate fraud, waste, misconduct and abuse in
29 independent agencies.

30 (3) To report expeditiously to the Attorney General

1 whenever the Inspector General has reasonable grounds to
2 believe there has been a violation of criminal law, and to
3 work and cooperate fully with the Attorney General.

4 (4) To refer matters to the heads of independent
5 agencies whenever the Inspector General determines that
6 disciplinary or other administrative action is appropriate.

7 Section 6. Additional powers.

8 In addition to the authority otherwise provided in this act,
9 the Inspector General, in carrying out powers and duties is
10 authorized:

11 (1) To have access to records, reports, audits, reviews,
12 documents, papers, recommendations or other material
13 available to the agency to the extent that the materials are
14 not restricted by law.

15 (2) To make the investigations and reports relating to
16 the administration of the programs and operations of the
17 applicable establishment as are, in the judgment of the
18 Inspector General, necessary or desirable. If the Inspector
19 General determines a report should be issued, the Inspector
20 General shall consult with the Attorney General prior to
21 issuance of a report to insure against an adverse impact on
22 the grand jury proceedings and prosecutions conducted by the
23 Office of Attorney General.

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

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

1 otherwise restricted.

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

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

12 Section 7. Reports of nonassistance.

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

18 Section 8. Employee reports.

19 (a) General rule.--The Inspector General may receive and
20 investigate complaints or information from an employee of an
21 independent agency concerning the possible existence of an
22 activity constituting a violation of law or regulations,
23 mismanagement, gross waste of funds, abuse of authority or
24 substantial and specific danger to the public health and safety.

25 (b) Employee protection.--An employee who has authority to
26 take, direct others to take, recommend or approve a personnel
27 action may not, with respect to that authority, take or threaten
28 to take an action against an employee as a reprisal for making a
29 complaint or disclosing information to the Inspector General
30 unless the complaint was made or the information disclosed was

1 with the knowledge that it was false or with willful disregard
2 for its truth or falsity. The protections in this subsection for
3 employees who report, in good faith, fraud, waste, misconduct,
4 malfeasance, misfeasance, nonfeasance or abuse are in addition
5 and supplementary to protection provided by the act of December
6 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.
7 Section 9. Effective date.
8 This act shall take effect in 60 days.