
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2276 Session of
2002

INTRODUCED BY LEVDANSKY, STABACK, HUTCHINSON, HALUSKA, CLARK,
TIGUE, CREIGHTON, PETRARCA, STEELMAN, SOLOBAY, GEORGE,
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JANUARY 14, 2002

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 14, 2002

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

1 of the Commonwealth government, but the term does not include
2 any court or other officer or agency of the unified judicial
3 system, the General Assembly and its officers and agencies, or
4 any independent agency as defined in this section.

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

7 Section 3. Office of Inspector General.

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

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

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

17 Section 4. Purposes.

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

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

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

28 Section 5. Powers and duties.

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

1 (1) To initiate, supervise, coordinate and provide
2 policy direction for investigative activities relating to
3 fraud, waste, misconduct or abuse in programs and operations
4 of the Commonwealth agencies.

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

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

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

16 Section 6. Additional powers.

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

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

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

1 the grand jury proceedings and prosecutions conducted by the
2 Office of Attorney General.

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

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

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

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

21 Section 7. Reports of nonassistance.

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

27 Section 8. Employee reports.

28 (a) General rule.--The Inspector General may receive and
29 investigate complaints or information from an employee of a
30 Commonwealth agency concerning the possible existence of an

1 activity constituting a violation of law or regulations,
2 mismanagement, gross waste of funds, abuse of authority or
3 substantial and specific danger to the public health and safety.

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

17 This act shall take effect in 60 days.