

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1553 Session of
2008

INTRODUCED BY PICCOLA, FOLMER, BRUBAKER AND BOSCOLA,
SEPTEMBER 19, 2008

REFERRED TO JUDICIARY, SEPTEMBER 19, 2008

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, defining "Inspector General"; further
3 providing for the State Ethics Commission, for powers and
4 duties of the commission and for investigations by
5 commission; and providing for the Inspector General of the
6 General Assembly and for powers and duties of the Inspector
7 General.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1102 of Title 65 of the Pennsylvania
11 Consolidated Statutes is amended by adding a definition to read:
12 § 1102. Definitions.

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

16 * * *

17 "Inspector General." The Inspector General of the General
18 Assembly.

19 * * *

20 Section 2. Section 1106(a) of Title 65 is amended to read:

1 § 1106. State Ethics Commission.

2 (a) Continuation of commission.--The State Ethics Commission
3 established under the act of October 4, 1978 (P.L.883, No.170),
4 referred to as the Public Official and Employee Ethics Law, is
5 continued and shall be composed of seven members. [The President
6 pro tempore of the Senate, the Minority Leader of the Senate,
7 the Speaker of the House and the Minority Leader of the House
8 shall each appoint one member. Three members shall be appointed
9 by the Governor without confirmation. No more than two of the
10 members appointed by the Governor shall be of the same political
11 party.] The Governor shall appoint one member. The Auditor
12 General shall appoint three members, no more than two of whom
13 shall be of the same political party. The Attorney General shall
14 appoint three members, no more than two of whom shall be of the
15 same political party. Two of the members appointed by the
16 Auditor General shall have at least 15 years' experience as a
17 certified public accountant. Two of the members appointed by the
18 Attorney General shall have at least 15 years' experience in law
19 enforcement. All of the members shall be individuals with
20 reputations for good character and integrity. No appointee shall
21 have served as an officer in a political party for one year
22 prior to his appointment.

23 * * *

24 Section 3. Section 1107 of Title 65 is amended by adding
25 paragraphs to read:

26 § 1107. Powers and duties of commission.

27 In addition to other powers and duties prescribed by law, the
28 commission shall:

29 * * *

30 (1.1) By a majority vote of the commission, appoint the

1 Inspector General of the General Assembly, as provided for in
2 Chapter 12 (relating to Inspector General of the General
3 Assembly).

4 (1.2) Provide the Inspector General with the personnel
5 and resources necessary for performance of the duties of the
6 office.

7 * * *

8 Section 4. Section 1108(a) of Title 65 is amended to read:

9 § 1108. Investigations by commission.

10 (a) Preliminary inquiry.--Upon a complaint signed under
11 penalty of perjury by any person, upon information received from
12 the Inspector General, or upon its own motion, the commission,
13 through its executive director, shall conduct a preliminary
14 inquiry into any alleged violation of this chapter. The
15 commission shall keep information, records and proceedings
16 relating to a preliminary inquiry confidential. The commission
17 shall, however, have the authority to refer the case to law
18 enforcement officials during a preliminary inquiry or anytime
19 thereafter without providing notice to the subject of the
20 inquiry. The commission shall complete its preliminary inquiry
21 within 60 days of its initiation.

22 * * *

23 Section 5. Title 65 is amended by adding a chapter to read:

24 CHAPTER 12

25 INSPECTOR GENERAL OF THE GENERAL ASSEMBLY

26 § 1201. Short title of chapter.

27 § 1202. Purpose.

28 § 1203. Definitions.

29 § 1204. Office of Inspector General.

30 § 1205. Powers and duties.

1 § 1206. Appointment, qualifications, term, compensation and
2 removal.

3 § 1201. Short title of chapter.

4 This chapter shall be known and may be cited as the Inspector
5 General of the General Assembly Act.

6 § 1202. Purpose.

7 (a) Declarations.--The General Assembly hereby declares that
8 the public confidence in the integrity of the General Assembly
9 has eroded. All necessary measures must be taken to deter,
10 detect, prevent and eradicate fraud, theft, waste, misconduct,
11 corruption and abuse of office in the General Assembly, its
12 officers and agencies. The interests of the citizens of this
13 Commonwealth would be best served by establishing the Office of
14 Inspector General of the General Assembly.

15 (b) Legislative intent.--It is the intent of the General
16 Assembly that this chapter be administered by the Inspector
17 General of the General Assembly.

18 § 1203. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Inspector General." The Inspector General of the General
23 Assembly.

24 "Officers and agencies of the General Assembly." The
25 following:

26 (1) The Secretary of the Senate.

27 (2) The Chief Clerk of the House of Representatives.

28 (3) The Capitol Preservation Committee.

29 (4) The Center for Rural Pennsylvania.

30 (5) The Joint Legislative Air and Water Pollution

1 Control and Conservation Committee.

2 (6) The Joint State Government Commission.

3 (7) The Legislative Budget and Finance Committee.

4 (8) The Legislative Data Processing Committee.

5 (9) The Independent Regulatory Review Commission.

6 (10) The Legislative Reference Bureau.

7 (11) The Local Government Commission.

8 (12) The Pennsylvania Commission on Sentencing.

9 (13) The Legislative Reapportionment Commission.

10 (14) The Legislative Office for Research Liaison.

11 (15) The Legislative Audit Advisory Commission.

12 § 1204. Office of Inspector General.

13 The Office of Inspector General of the General Assembly is
14 established within the State Ethics Commission for the purpose
15 of deterring, detecting, presenting and eradicating fraud,
16 waste, mismanagement, misconduct, abuse and corruption in the
17 operations and contracting of the General Assembly, its officers
18 and agencies.

19 § 1205. Powers and duties.

20 The Inspector General shall have the following powers and
21 duties:

22 (1) To investigate fraud, waste, mismanagement,
23 misconduct, abuse and corruption in the operations and
24 contracting of the General Assembly, its officers and
25 agencies, including, but not limited to:

26 (i) Misuse of State-owned automobiles, planes,
27 watercraft and all other movable and immovable property.

28 (ii) Evidence of a pattern of excessive spending.

29 (iii) Mismanagement of governmental operations.

30 (iv) Waste or abuse of things of value belonging to

1 State government.

2 (v) Use of employees for political purposes or for
3 private pecuniary gain.

4 (vi) Use of contracted vendors for political
5 purposes or for private pecuniary gain.

6 (2) To receive complaints of fraud, waste,
7 mismanagement, misconduct, abuse or corruption in the General
8 Assembly, its officers and agencies.

9 (3) To establish an office in the Main Capitol Building
10 which shall be visible and accessible to the public and to
11 employees of the General Assembly, its officers and agencies.

12 (4) To make referrals to the executive director of the
13 State Ethics Commission when there are reasonable grounds to
14 believe a violation of the act of October 4, 1978 (P.L.883,
15 No.170), referred to as the Public Official and Employee
16 Ethics Law, has occurred.

17 (5) To make referrals to Federal or State agencies when
18 there are reasonable grounds to believe there has been a
19 violation of the law or that disciplinary or administrative
20 action is appropriate.

21 (6) To periodically review policies and procedures and
22 monitoring operations and issue reports, making
23 recommendations for improvement.

24 (7) To obtain sworn testimony from any person pursuant
25 to section 1107(14) (relating to powers and duties of
26 commission).

27 (8) To issue subpoenas and compel the attendance of
28 witnesses pursuant to section 1107(14) and have direct and
29 prompt access to all records, information, data, reports,
30 plans, projections, matters, contracts, memoranda,

1 correspondence and any other materials of the General
2 Assembly, its officers and agencies.

3 (9) To have direct and prompt access to the members of
4 the General Assembly, its officers, employees and agency
5 heads when necessary.

6 (10) To examine and investigate the records of all
7 contractors, subcontractors and consultants of the General
8 Assembly, its officers and agencies.

9 (11) To obtain access to any records of the General
10 Assembly, its officers and agencies in the possession of a
11 third party, including, but not limited to, bank account
12 records.

13 (12) To select, appoint and employ such employees as may
14 be necessary for carrying out the functions, powers and
15 duties of the office subject to the approval of the executive
16 director of the State Ethics Commission.

17 § 1206. Appointment, qualifications, term, compensation and
18 removal.

19 (a) Appointment.--The Inspector General shall be appointed
20 by majority vote of the State Ethics Commission.

21 (b) Qualifications.--The Inspector General shall have served
22 at least 15 years in law enforcement.

23 (c) Term.--The Inspector General shall serve a six-year
24 term.

25 (d) Compensation.--The salary of the Inspector General shall
26 be fixed by the State Ethics Commission.

27 (e) Removal.--The Inspector General may be removed for cause
28 by a two-thirds majority vote of the State Ethics Commission.

29 Section 6. This act shall take effect in 120 days.