SPONSOR: Rep. Oberle & Rep. Valihura & Sen. Peterson ;
Reps. Spence, Cathcart, Carey, Ewing, Hocker, Thornburg, Brady, Ennis, Kowalko, Mitchell;
Sens. Copeland, Sorenson, Cloutier, Henry, Bonini, Simpson, Marshall, Sokola, Bunting, Connor

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE BILL NO. 155

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE ESTABLISHING THE OFFICE OF THE STATE INSPECTOR GENERAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29 of the Delaware Code by enacting as a new "Chapter 106. Office of the State Inspector General" the following:

"Chapter 106. Office of the State Inspector General

§ 10601. Short title.

This Chapter may be cited as the State Inspector General Act.

§ 10602. Legislative findings, purpose.

(a) The General Assembly believes that it is desirable to have an independent State Inspector General to investigate complaints of waste, fraud, abuse or corruption regarding state employees or state agencies; and

(b) The General Assembly believes that an independent State Inspector General selected by a blue ribbon commission such as the President of the State Bar Association, Executive Director of the ACLU-Delaware, the Attorney General, the President of the Delaware Police Chiefs Association, the President of the AFL-CIO and three (3) members of the public named by the Governor and selected by the Governor and confirmed by the Senate for a five-year term will give public confidence in the job of State Inspector General.

§ 10603. Selection process

The Secretary of State shall convene a selection panel composed of the President of the State Bar Association, Executive Director of the ACLU-Delaware, the Attorney General, the President of the Delaware Police Chiefs Association, the President of the AFL-CIO and three (3) members of the public named by the Governor, and they will

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submit three names to the Governor, who shall submit a nominee to the Senate for confirmation for a five-year term. After initial confirmation, the Inspector General shall be eligible for reappointment following the same process.

§ 10604. Reports.

The State Inspector General shall report regularly to the Governor regarding all activities of his office. In addition, the State Inspector General shall cooperate fully with the Governor regarding requests for information on such activities, except when the State Inspector General determines that such requests regard confidential information. In such cases, he shall notify the Governor as to why, in his judgment, such information is confidential.

§ 10605. Duties and responsibilities of the State Inspector General.

The State Inspector General shall do all of the following:

(a) Investigate the management and operation of state agencies in order to determine whether acts or omissions of fraud, waste, abuse and corruption have been committed or are being committed by state officers or state employees;

(b) Receive complaints alleging fraud, waste, abuse or corruption, determine whether the complaints allege facts that give reasonable cause to investigate and, if so, investigate to determine whether the alleged fraud, waste, abuse, or corruption has in fact been committed or is in fact being committed by a state agency or employee;

(c) Report fraud, waste, abuse and corruption by state agencies or employees to the Governor and the agency, subject to investigation and, as appropriate under the circumstances, to the Attorney General for possible criminal or civil prosecution;

(d) Report fraud, waste, abuse and corruption by persons who are not state employees to the Governor and, as appropriate under the circumstances, to the Attorney General for possible criminal or civil prosecution;

(e) Prepare a detailed report of each investigation that states whether fraud, waste, abuse or corruption was detected. If fraud, waste, abuse or corruption was detected, the report shall identify the person who committed the wrongful act or omission, describe the wrongful act or omission, explain how it was detected, indicate to whom it was reported, and describe what the state agency in which the

wrongful act or omission was being committed is doing to change its policies or procedures to prevent recurrences of similar wrongful acts or omissions; and

(f) Identify other state agencies that also are responsible for investigating, auditing, reviewing or evaluating the management and operation of state agencies, and coordinate with these agencies to share information and avoid duplication effort; and

(g) Maintain a website with report findings, and publish in an annual report to the Governor, the General Assembly, the Attorney General and the State Auditor of Accounts.

§ 10606. Office space, staffing.

The State Inspector General will be provided office space and staff by the Secretary of State, but the Secretary shall have no other oversight or control similar to the independent nature of the Public Integrity Commission ".

Section 2. This Act will be effective one hundred and eighty (180) days after enactment.

Ssynopsis

This Act establishes the Office of the State Inspector General, who will have the responsibility to investigate state employees and state agencies for waste, fraud, abuse and corruption, make reports to the Governor and refer to the Attorney General the report findings for possible prosecution.