

PART VI. OFFICE OF THE STATE INSPECTOR GENERAL

§220.21. Office of the state inspector general; policy and purpose

A. The prevention and detection of waste, inefficiencies, mismanagement, misconduct, abuse, fraud, and corruption in all departments, offices, agencies, boards, commissions, task forces, authorities, and divisions of the executive branch of state government as specifically provided in Title 36 of the Louisiana Revised Statutes of 1950, all hereinafter referred to in this Part collectively as "covered agencies" and individually as "covered agency", is an important responsibility of the state.

B. In view of the responsibility of the state, it is the purpose of this Part to establish an independent office of the state inspector general in the office of the governor to examine and investigate the management and affairs of covered agencies.

Acts 2008, 1st Ex. Sess., No. 12, §3, eff. April 26, 2008.

§220.22. Office of the state inspector general; creation; domicile; funding

- A. The office of the state inspector general, referred to in this Part as the "office", is created and shall be a body corporate with the power to sue and be sued.
- B. The domicile of the office shall be in Baton Rouge.
- C. The legislature shall make adequate appropriations to the office to enable it to implement this Part efficiently and effectively.
- D. The attorney general or his designee shall be responsible for the legal representation of the office.

Acts 2008, 1st Ex. Sess., No. 12, §3, eff. April 26, 2008.

§220.23. State inspector general; appointment; term; vacancy; compensation; removal

A.(1) There shall be a state inspector general, hereinafter referred to as the "inspector general", who shall be appointed by the governor with the consent of the Senate. No person appointed inspector general shall hold or be a candidate for any elective office, including elective political party office, or any other public office or political party office. No person shall be appointed inspector general who has held any elective office or political party office within two years immediately preceding his appointment. No former inspector general shall be eligible to become a qualified candidate for any elective office, including elective political party office, nor shall he assume any elective office or political party office within four years after the termination of his service as inspector general.

(2) If a vacancy exists in the office of the state inspector general for more than six months, then the holder of the next highest level administrative position in the office shall become the inspector general, subject to confirmation by the Senate.

(3) Not later than one year from the date of appointment, if not already certified, the inspector general shall obtain certification as a Certified Inspector General from the Association of Inspectors General.

B. The inspector general shall serve a six-year term.

C. The salary of the inspector general shall be fixed by the governor, which amount shall not exceed the amount approved for such position by the legislature while in session. The salary of the inspector general may not be reduced by the governor or the legislature during his term of office.

D.(1) Notwithstanding the provisions of Subsection B of this Section, the inspector general may be removed by the governor provided such removal is approved by a majority vote of each house of the legislature.

(2) In order to obtain the consent of a majority of the elected members of each house of the legislature, the clerk of the House of Representatives and the secretary of the Senate shall prepare and transmit a ballot to each member of the legislature by certified mail with return receipt requested, unless it is determined that the legislature will be in session in time for the ballots to be distributed to them and returned by them during the session. The ballot shall be uniform and include pertinent information as the clerk and secretary shall determine.

Acts 2008, 1st Ex. Sess., No. 12, §3, eff. April 26, 2008.

§220.24. Authority; duties; powers; standards; functions

A. The inspector general shall serve as the executive head and chief administrative officer of the office and shall have responsibility for the policies of the office, except as otherwise provided by this Part, and for the administration, control, and operation of the functions and affairs of the office.

B. The inspector general is authorized to examine and investigate the management and affairs of the covered agencies concerning waste, inefficiencies, mismanagement, misconduct, abuse, fraud, and corruption, and he may conduct all necessary investigations into such areas, including but not limited to:

- (1) Misuse of state-owned automobiles, planes, watercraft, and all other movable and immovable property.
- (2) Evidence of a pattern of excessive bills on state contracts.
- (3) Unauthorized use of leave.
- (4) Mismanagement of governmental operations.
- (5) Waste or abuse of things of value belonging to or used by the covered agencies.
- (6) Construction, operation, and maintenance of facilities.

C.(1) The inspector general shall help prevent waste, inefficiency, mismanagement, misconduct, abuse, fraud, and corruption in covered agencies by periodically reviewing policies and procedures and monitoring operations and making recommendations for improvement.

(2) The inspector general shall receive complaints of waste, inefficiency, mismanagement, misconduct, abuse, fraud, or corruption in covered agencies and determine whether they warrant investigation by the inspector general or by appropriate federal, state, or local agencies or may conduct such investigations upon his own initiative. In order to accomplish this, the office of the inspector general shall maintain a toll-free fraud hotline number and web site for anonymous reporting.

(3) The inspector general shall investigate complaints of waste, inefficiencies, mismanagement, misconduct, abuse, fraud, and corruption and, when appropriate, recommend whether disciplinary action or further investigation by appropriate federal, state, or local agencies is warranted and take further action as appropriate.

(4) The inspector general shall report complaints of fraud, abuse, or corruption to such federal, state, or local agencies when there is evidence of what may be criminal activity and when otherwise appropriate and shall otherwise cooperate with such agencies in any further action.

(5) The inspector general shall make reports of his findings to the governor. Such reports shall be subject to the provisions of R.S. 44:1 et seq.

(6) The inspector general shall submit an annual report to the governor and the Joint Legislative Committee on the Budget at the end of each fiscal year that describes the accomplishments and contributions made by the office toward achieving the mission of helping to prevent and detect waste, fraud, and abuse in Louisiana government. Upon completion, as indicated by signature of the inspector general, all final reports of the inspector general immediately shall be filed with the Joint Legislative Committee on the Budget and shall include the response of the agency, if any. All such reports shall be provided to the staff of the governor's office and the Joint Legislative Committee on the Budget upon request.

D. The inspector general shall provide for an opportunity for agency response prior to the release of a report unless the inspector general, in conjunction with a United States attorney, the state attorney general, district attorneys, or other prosecutorial agencies, determines that supplying the

affected person or entity with such report will jeopardize a pending or potential criminal investigation.

E. All officers and employees of covered agencies shall extend full cooperation and all reasonable assistance to the inspector general.

F.(1) In the performance of his duties, the inspector general and any member of his staff designated by him may seek and obtain sworn testimony from any person using the same procedure as is provided for taking depositions provided for in Article 1443 in the Code of Civil Procedure.

(2) In the performance of his duties, the inspector general or any member of his staff designated by him may compel the attendance of witnesses to be deposed under oath or the production of public and private records by issuing a subpoena. However, such a subpoena or subpoena duces tecum shall be issued only upon approval of a judge of the district court of the parish in which the office of inspector general is domiciled upon application in writing by the inspector general. The judge shall issue a written decision within seventy-two hours after receipt of such application. Any subpoena for production of private records shall be in compliance with all applicable constitutionally established rights and processes. The subpoena may be served by certified mail, return receipt requested, at the addressee's residence or business address, or by representatives appointed by the inspector general, or may be directed for service to the office of the state police. If a person refuses to obey a subpoena issued by the inspector general, upon application by the inspector general, the district court of the parish in which the office of inspector general is domiciled may issue an order to the person requiring the person to appear before the court to show cause why an order shall not be issued ordering such person to obey the subpoena, and the person may be adjudged in contempt of court.

(3) The inspector general shall have access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials of a covered agency and shall be deemed to be an authorized representative and agent of each covered agency for the purposes of:

(a) Examining and investigating the records of all contractors, subcontractors, grantees, or subgrantees of covered agencies, which records relate to contracts, subcontracts, grants, or subgrants with a covered agency.

(b) Obtaining access to any records of a covered agency in the possession of a third party, including but not limited to bank account records.

G. The inspector general and employees of the inspector general shall carry identifying cards.

H. The office of the state inspector general shall adhere to professional standards for initiating and conducting audits, investigations, inspections, and reviews such as those promulgated by the Association of Inspectors General. The office shall develop an operations manual that contains such standards and shall make it available to the public.

I. The inspector general shall engage in prevention activities, including but not limited to reviewing legislation, rules, regulations, policies, procedures, and transactions; providing for training and education; and making recommendations to the governor and the legislature to strengthen public integrity laws.

J. The office of the state inspector general is hereby designated as a law enforcement agency and conferred all investigative powers and privileges appurtenant to a law enforcement agency under state law as necessary and in furtherance of the authority, duties, powers, and functions set forth herein. These powers and privileges shall not include arrest powers but shall include access to computer systems, information maintained for the use of law enforcement personnel, and any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information.

K. Upon credible information of corruption or fraud, the office of the state inspector general shall notify the appropriate law enforcement agencies. Subsequent to notifying the appropriate law enforcement agency, the inspector general may assist the law enforcement agency in conducting the investigation. Upon detecting a violation of one of the provisions of the Code of Governmental Ethics, the office of the state inspector general may file a complaint with the Board of Ethics.

L. The office of the state inspector general may conduct joint investigations and projects with other oversight or law enforcement agencies.

M. The inspector general shall do all things necessary to carry out the functions set forth in this Part.

Acts 2008, 1st Ex. Sess., No. 12, §3, eff. April 26, 2008; Acts 2008, No. 831, §3, eff. July 1, 2008.

§220.25. Confidentiality of certain records

Except for the reports of investigations released as provided in R.S. 49:220.24(C)(6), the records prepared or obtained by the inspector general in connection with investigations conducted by the inspector general shall be deemed confidential and protected from disclosure. No privilege established by law shall be deemed waived on any record obtained by the inspector general in connection with the performance of the duties established in this Part. Any record or information obtained by the inspector general which is confidential pursuant to any other provision of law shall remain confidential, and it shall be a misdemeanor punishable by a fine of not more than two thousand dollars or imprisonment for not more than one year, or both, for the inspector general or any of his employees, or any other public official, corporation, or individual, to make public any such information or record. Nothing herein shall be interpreted to prevent public access to public records during the course of an inspector general investigation. The custodian of any public record shall provide that record to any person having the right to examine public records. If the only copy of the public record is in the hands of the inspector general, the custodian of that record shall so certify and the requestor may examine and copy the record at the office of the inspector general.

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