

The House Committee on Appropriations offers the following substitute to HB 236:

A BILL TO BE ENTITLED
AN ACT

1 To establish the "Georgia Government Accountability Act"; to provide for a short title; to
2 provide for legislative intent; to amend Chapter 4 of Title 50 of the Official Code of Georgia
3 Annotated, relating to the organization of the executive branch generally, so as to provide for
4 the duties and responsibilities of the Legislative Sunset Advisory Subcommittee; to authorize
5 the committee to review and evaluate state agencies' productivity, efficiency, and
6 responsiveness; to provide for the automatic abolition of certain state agencies; to provide
7 for exceptions; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization
11 of the executive branch generally, is amended by designating Code Sections 50-4-1 through
12 50-4-7 as Article 1 and by adding a new article to read as follows:
13

"ARTICLE 2

14 50-4-20.

15 This article shall be known and may be cited as the 'Georgia Government Accountability
16 Act.' It is the intent of the General Assembly to establish a method by which the efficiency
17 of state government shall be reviewed and the productivity of each agency evaluated. This
18 article is meant to ensure that the valuable resources of the state are best utilized and that
19 state agencies are held accountable for their service to the public and responsiveness to the
20 needs of the citizens of this state.
21

22 50-4-21.

23 (a) The General Assembly shall establish the Legislative Sunset Advisory Subcommittee
24 to be composed of five members of the House of Representatives appointed by the Speaker
25 of the House who shall also be members of the House Zero Based Budget Subcommittee
26 of the Appropriations Committee and five members of the Senate appointed by the
27 President of the Senate. The members of the subcommittee shall serve two-year terms
28 concurrent with their terms as members of the General Assembly. A cochairperson of the
29 subcommittee shall be appointed by the President of the Senate from the membership of
30 the subcommittee, and a cochairperson of the subcommittee shall be appointed by the
31 Speaker of the House from the membership of the subcommittee. The cochairpersons shall
32 serve terms of two years concurrent with their terms as members of the General Assembly.
33 Vacancies in an appointed member's position or in the offices of cochairperson of the
34 subcommittee shall be filled for the unexpired term in the same manner as the original
35 appointment. The subcommittee shall advise the General Assembly regarding the agency
36 sunset provisions as required by this article by reporting to the House Zero Based Budget
37 Subcommittee of the Appropriations Committee and the Senate Budget Committee as may
38 be designated by the President of the Senate.

39 (b) In carrying out its function under this article, the subcommittee may request, through
40 the cochairpersons, the assistance of any state agency or office. When so requested, a state
41 agency and its personnel shall assist the subcommittee and may be required to appear
42 before the subcommittee. The subcommittee or its designated staff member may inspect,
43 review, and copy the records, documents, and files of any state agency. All information
44 subject to public disclosure shall be made available for review and copying within three
45 business days.

46 50-4-22.

47 (a) The Legislative Sunset Advisory Subcommittee shall review all state agencies,
48 including all boards, departments, advisory committees, authorities, bureaus, offices, and
49 any other state entity of the executive branch of state government regardless of its
50 designation. The subcommittee shall be responsible for establishing a schedule for the
51 routine review of all such state agencies. Each agency shall be scheduled for review a
52 minimum of once every eight years. The Legislative Sunset Advisory Subcommittee shall
53 have the discretion to add any agency to the review schedule or to modify an agency's
54 scheduled review.

55 (b) Except as provided by this Code section, an agency subject to review by the Legislative
56 Sunset Advisory Subcommittee shall be abolished on July 1 following the regularly
57 scheduled session of the General Assembly which follows the report of review issued by

58 the subcommittee pursuant to Code Section 50-4-24 unless the legislature by law continues
59 the agency; however, an agency shall not be abolished unless the General Assembly finds
60 that the laws the agency is responsible for implementing or enforcing have been repealed,
61 revised, or reassigned to another remaining agency and that adequate provision has been
62 made for the transfer from the abolished agency to a successor agency of all duties, debts,
63 and obligations, including those relating to bonds, loans, promissory notes, lease-purchase
64 agreements, installment sales contracts, financing agreements, or any other form of
65 indebtedness such that security therefor and the rights of bondholders or holders of other
66 indebtedness are not impaired.

67 (c) The Legislative Sunset Advisory Subcommittee shall make a report and
68 recommendation to the House Zero Based Budget Subcommittee of the Appropriations
69 Committee and the Senate Budget Committee as provided in Code Section 50-4-24. If the
70 General Assembly does not take action before the date of abolishment to continue the
71 agency, the agency shall submit its legislative budget request consistent with the
72 recommendations of the Legislative Sunset Advisory Subcommittee.

73 (d) Any agency established by constitutional provision shall not be subject to automatic
74 abolishment as provided in subsection (a) of this Code section. Following the review and
75 recommendations of the Legislative Sunset Advisory Subcommittee, the House Zero Based
76 Budget Subcommittee of the Appropriations Committee and Senate Budget Committee
77 shall review the constitutionally established agency in the same manner and shall report to
78 the General Assembly any recommended constitutional amendments needed for the
79 reorganizing or abolishing of such constitutionally created agency.

80 (e) Any board, commission, advisory council, or similar body included in the term 'agency'
81 as defined in Code Section 50-4-1 which has not held an open public meeting for a period
82 of more than 12 months shall be considered automatically abolished without the need for
83 further agency review as required by this article. The Legislative Sunset Advisory
84 Subcommittee shall be responsible for presenting legislation to repeal existing statutory
85 provisions relating to the abolished agency.

86 (f) Except as may otherwise be expressly provided by law, abolishment of a state agency
87 shall not affect the rights and duties that matured, penalties that were incurred, civil or
88 criminal liabilities that arose, or proceedings that were begun before the abolishment.

89 50-4-23.

90 (a) Not later than 90 days following a request by the Legislative Sunset Advisory
91 Subcommittee, an agency shall provide the subcommittee with a report outlining the
92 agency's efficiency and productivity and the extent to which the agency utilizes state
93 resources to best meet the needs of the public.

- 94 (b) The report required by this Code section shall, at a minimum, include the following:
- 95 (1) A comprehensive list of state programs and services performed by the agency,
- 96 including all special purpose activities undertaken to realize identifiable goals and
- 97 objectives in order to achieve the agency's mission and legislative intent;
- 98 (2) An accounting of state resources spent by the agency;
- 99 (3) An explanation of factors that have contributed to any failure to achieve legislated
- 100 standards or directives;
- 101 (4) The extent to which the agency has encouraged participation by the public in making
- 102 its rules and decisions and the extent to which public participation has resulted in rules
- 103 compatible with the objectives of the agency;
- 104 (5) A statement of any statutory objectives intended for each program and activity, the
- 105 problem or need that the program and activity are intended to address, and the extent to
- 106 which these objectives have been achieved;
- 107 (6) An assessment of the extent to which the jurisdiction of the agency and its programs
- 108 overlap or duplicate those of other agencies and the extent to which those programs can
- 109 be consolidated with those of other agencies;
- 110 (7) A self-examining assessment of the agency's efficiency and areas of needed
- 111 improvement, including goals and objectives for improvement, and the means by which
- 112 the agency intends to meet these goals and objectives;
- 113 (8) Recommendations for statutory or budgetary changes that would improve the
- 114 agency's programs and operations, reduce costs, or improve services to state residents;
- 115 (9) The effect of federal intervention or loss of federal funds if the agency, or any of its
- 116 programs or activities, is abolished;
- 117 (10) An assessment of alternative methods of providing services for which the agency
- 118 is responsible which would reduce costs or improve performance while adequately
- 119 protecting the public interest;
- 120 (11) A detailed summary of the agency's hiring and retention patterns for the previous
- 121 five years;
- 122 (12) An assessment of the extent to which the agency has corrected any deficiencies and
- 123 implemented recommendations contained in any state or federal audits or court decisions;
- 124 (13) A list of all advisory committees and boards, whether established in statute or by
- 125 the agency; their purposes, activities, composition, and expenses; and an assessment of
- 126 the extent to which their purposes have been achieved and the rationale for continuing or
- 127 eliminating each advisory committee or board;
- 128 (14) A list of agency programs or functions that are performed without specific statutory
- 129 authority; and

130 (15) Other information as requested by the subcommittee or any study committee created
 131 under the subcommittee's direction.

132 (c) Information and data reported by the agency shall be validated by the agency's chief
 133 executive before submission to the subcommittee.

134 50-4-24.

135 (a) No later than six months following the Legislative Sunset Advisory Subcommittee's
 136 request for a report from an agency pursuant to Code Section 50-4-23, the subcommittee
 137 shall:

138 (1) Review the information submitted by or concerning the agency;

139 (2) Consult with or hear testimony from any individual, agency, private company, or
 140 other expert as needed;

141 (3) If the subcommittee deems necessary, hold public hearings to consider this
 142 information as well as testimony; and

143 (4) Present to the House Zero Based Budget Subcommittee of the Appropriations
 144 Committee and the Senate Budget Committee or other standing budget committees of the
 145 General Assembly as required by the President of the Senate or the Speaker of the House
 146 of Representatives a report of review on an agency reviewed by the subcommittee. In the
 147 report of review, the subcommittee shall include its specific findings and
 148 recommendations regarding each agency reviewed and indicate whether a public need
 149 exists for the continuation of an agency or for the functions of the agency.

150 By majority vote, the subcommittee may extend the time provided for review of an agency
 151 if the subcommittee determines that additional time for review is needed to adequately
 152 evaluate an agency.

153 (b) The subcommittee shall consider the following criteria in determining whether a public
 154 need exists for the continuation of a state agency or agency function:

155 (1) The efficiency with which the agency operates;

156 (2) The statutory objectives of the agency and the problem or need that the agency is
 157 intended to address, the extent to which the objectives have been achieved, and any
 158 activities of the agency in addition to those granted by statute and the authority for these
 159 activities;

160 (3) An assessment of less restrictive or alternative methods of providing any regulatory
 161 function for which the agency is responsible while adequately protecting the public;

162 (4) The extent to which an advisory committee or board is needed or used;

163 (5) The extent to which the jurisdiction of the agency and the programs administered by
 164 the agency overlap or duplicate those of other agencies and the extent to which the

165 programs administered by the agency can be consolidated with the programs of other
166 agencies;
167 (6) Whether the agency has recommended to the legislature statutory changes calculated
168 to be of benefit to the public;
169 (7) The promptness and effectiveness with which the agency responds to the public's
170 complaints and the extent to which the agency has encouraged participation by the public
171 in making its rules and decisions;
172 (8) The extent to which the agency has satisfied requirements of state law, safeguarded
173 public health, safety, and welfare, and utilized state resources;
174 (9) The extent to which the agency accurately reports performance measures used to
175 justify state spending on each of its activities, services, and programs;
176 (10) The effect of probable federal intervention or loss of federal funds if the agency or
177 an agency function is abolished; and
178 (11) The extent to which changes are necessary in the enabling statutes of the agency so
179 that the agency can adequately comply with the criteria of this article.
180 (c) In its report of review, the subcommittee shall make recommendations to the House
181 Zero Based Budget Subcommittee of the Appropriations Committee and the Senate Budget
182 Committee on the abolition, continuation, or reorganization of such agency and on the need
183 for the continuation of the functions of the agency. The report of review shall also make
184 recommendations on the consolidation, transfer, or reorganization of an agency's programs
185 when those programs are duplicated by another agency.
186 (d) It shall be the responsibility of the Legislative Sunset Advisory Subcommittee to
187 prepare drafts of legislation necessary to carry out the subcommittee's recommendations."

188 **SECTION 2.**

189 All laws and parts of laws in conflict with this Act are repealed.