

ADOPTED

Senator Shafer of the 48th offered the following amendment:

1 *Amend the committee substitute to SB 148 (LC 36 1682S) by striking all matter on lines 258*
 2 *through 305 and inserting in place thereof the following:*

3 50-4-21.

4 (a) The Senate and House appropriations committees meeting jointly shall constitute the
 5 Legislative Sunset Committee.

6 (b) As used in this article, the term 'committee' means the Legislative Sunset Committee.

7 (c) In carrying out its function under this article, the committee may request, through the
 8 cochairpersons, the assistance of any state agency or office. When so requested, a state
 9 agency and its personnel shall assist the committee and may be required to appear before
 10 the committee. The committee or its designated staff member may inspect, review, and
 11 copy the records, documents, and files of any state agency. All records, documents, and
 12 files requested by the committee shall be made available by the agency to the committee
 13 for review and copying within three business days.

14 50-4-22.

15 (a) The committee shall review all state agencies, including all boards, departments,
 16 advisory committees, authorities, bureaus, offices, and any other state entity of the
 17 executive branch of state government regardless of its designation. The committee shall
 18 be responsible for establishing a schedule for the routine review of all such state agencies.
 19 Each agency shall be scheduled for review a minimum of once every eight years. The
 20 committee shall have the discretion to add any agency to the review schedule or to modify
 21 an agency's scheduled review.

22 (b) Where a report of review issued by the the committee under Code Section 50-4-24
 23 finds that an agency should be automatically abolished as provided in this Code section,
 24 the report of review shall be filed by the committee with the Secretary of State, the
 25 Secretary of the Senate, and the Clerk of the House of Representatives. Where a report of
 26 review issued by the the committee finds that an agency should be so abolished, the
 27 agency shall be abolished by operation of law on July 1 following the next regular session
 28 of the General Assembly which follows the filing of the report of review issued by the
 29 committee, unless the General Assembly by law continues the agency prior to that July 1.
 30 When an agency is so abolished, the general appropriations Act or amended general
 31 appropriations Act adopted at the regular session prior to the abolishment of the agency
 32 may designate the agency to which any assets and obligations of the abolished agency shall

33 be transferred; and in the absence of such designation in an appropriations Act, the transfer
34 shall be as directed by the Governor.

35 (c) Any agency established by constitutional provision shall not be subject to automatic
36 abolishment as provided in subsection (b) of this Code section. Following the review and
37 recommendations of the committee, the committee shall report to the General Assembly
38 any recommended constitutional amendment needed for the reorganizing or abolishing of
39 such constitutionally created agency.

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

43 *By striking all matter on lines 392 through 398 and inserting in place thereof the following:*

44 (c) In its report of review, the committee may make a finding that the agency should be
45 automatically abolished as provided in Code Section 50-4-22, in which case the provisions
46 of that Code section shall apply.

47 (d) In the absence of a finding that the agency should be automatically abolished, the
48 committee may make recommendations on the abolition, continuation, or reorganization
49 of such agency and on the need for the continuation of the functions of such agency. The
50 report of review may also make recommendations on the consolidation, transfer, or
51 reorganization of an agency's programs when those programs are duplicated by another
52 agency. It shall be the responsibility of the committee to prepare drafts of legislation
53 necessary to carry out the committee's recommendations under this subsection."