

House Bill 236

By: Representatives Byrd of the 20th, Loudermilk of the 14th, Cox of the 102nd, Graves of the 12th, Hill of the 21st, and others

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **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 50-4-21.

22 (a) There is created as a joint committee of the General Assembly the Legislative Sunset
23 Advisory Committee to be composed of seven members of the House of Representatives

24 appointed by the Speaker of the House and seven members of the Senate appointed by the
 25 President of the Senate. The members of the committee shall serve two-year terms
 26 concurrent with their terms as members of the General Assembly. A cochairperson of the
 27 committee shall be appointed by the President of the Senate from the membership of the
 28 committee, and a cochairperson of the committee shall be appointed by the Speaker of the
 29 House from the membership of the committee. The cochairpersons shall serve terms of
 30 two years concurrent with their terms as members of the General Assembly. Vacancies in
 31 an appointed member's position or in the offices of cochairperson of the committee shall
 32 be filled for the unexpired term in the same manner as the original appointment. The
 33 committee shall advise the General Assembly regarding the agency sunset provisions
 34 required by this article.

35 (b) The Senate and the House of Representatives may each employ staff to work for the
 36 cochairpersons of the committee on matters related to committee activities.

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

43 50-4-22.

44 (a) The following state agencies, including their boards or advisory committees, shall be
 45 reviewed by the Legislative Sunset Advisory Committee by July 1, 2011:

46 (1) Department of Administrative Services;

47 (2) Department of Audits and Accounts;

48 (3) Department of Banking and Finance;

49 (4) Office of State Administrative Hearings;

50 (5) Department of Revenue;

51 (6) Georgia Building Authority;

52 (7) Office of Planning and Budget;

53 (8) Georgia Institute for Community Business Development;

54 (9) Office of Treasury and Fiscal Services;

55 (10) Georgia State Indemnification Commission;

56 (11) Public Service Commission;

57 (12) Subsequent Injury Trust Fund;

58 (13) State Accounting Office; and

59 (14) State Commission on Compensation.

60 (b) The following state agencies, including their boards or advisory committees, shall be
61 reviewed by the Legislative Sunset Advisory Committee by July 1, 2013:

- 62 (1) Department of Agriculture;
- 63 (2) Department of Community Health;
- 64 (3) Department of Human Resources;
- 65 (4) Department of Natural Resources;
- 66 (5) State Office of Housing;
- 67 (6) Georgia Housing and Finance Authority;
- 68 (7) Georgia Tobacco Community Development Board;
- 69 (8) Georgia Industries for the Blind;
- 70 (9) Georgia Agricultural Exposition Authority;
- 71 (10) Georgia Agrirama Development Authority;
- 72 (11) Georgia Child Care Council;
- 73 (12) Georgia Child Fatality Review Panel;
- 74 (13) Georgia Child Support Commission;
- 75 (14) Nonpublic Postsecondary Education Commission;
- 76 (15) Georgia Environmental Facilities Authority;
- 77 (16) Georgia Environmental Training and Education Authority;
- 78 (17) Lake Allatoona Preservation Authority;
- 79 (18) State Forestry Commission;
- 80 (19) Office of the Child Advocate for the Protection of Children;
- 81 (20) Children and Youth Coordinating Council;
- 82 (21) State Children's Trust Fund Commission;
- 83 (22) Council on Maternal and Infant Health;
- 84 (23) Office of Mental Health Advocacy;
- 85 (24) Governor's Advisory Council for Mental Health, Developmental Disabilities, and
86 Addictive Diseases; and
- 87 (25) State Soil and Water Conservation Commission.

88 (c) The following state agencies, including their boards or advisory committees, shall be
89 reviewed by the Legislative Sunset Advisory Committee by July 1, 2015:

- 90 (1) Department of Corrections;
- 91 (2) Department of Juvenile Justice;
- 92 (3) Department of Law;
- 93 (4) Department of Public Safety;
- 94 (5) Department of Veterans Service;
- 95 (6) Georgia Emergency Management Agency;
- 96 (7) Georgia Bureau of Investigation;

- 97 (8) Department of Defense;
 98 (9) Georgia Magistrate Courts Training Council;
 99 (10) Georgia Municipal Courts Training Council;
 100 (11) Georgia Peace Officer Standards and Training Council;
 101 (12) Georgia Public Safety Training Center;
 102 (13) Georgia Public Telecommunications Commission;
 103 (14) Georgia Coroner's Training Council;
 104 (15) Georgia Correctional Industries Administration;
 105 (16) Georgia Drugs and Narcotics Agency;
 106 (17) Georgia Firefighter Standards and Training Council;
 107 (18) Georgia Superior Court Clerks Cooperative Authority;
 108 (19) Georgia Board of Pardons and Paroles;
 109 (20) Office of Georgia Capital Defender;
 110 (21) Georgia Public Defender Standards Council;
 111 (22) Council of Juvenile Court Judges;
 112 (23) Georgia Courts Automation Commission;
 113 (24) Criminal Justice Coordinating Council;
 114 (25) Prosecuting Attorneys' Council;
 115 (26) Administrative Office of the Courts; and
 116 (27) Judicial Qualifications Commission.
- 117 (d) The following state agencies, including their boards or advisory committees, shall be
 118 reviewed by the Legislative Sunset Advisory Committee by July 1, 2017:
- 119 (1) Department of Early Care and Learning;
 120 (2) Georgia Public School Indemnification Commission;
 121 (3) Education Coordinating Council;
 122 (4) Department of Technical and Adult Education;
 123 (5) Georgia Education Authority (Schools);
 124 (6) Georgia Education Authority (University);
 125 (7) Georgia Higher Education Facilities Authority;
 126 (8) Department of Education;
 127 (9) Board of Regents of the University System of Georgia;
 128 (10) Georgia Athletic and Entertainment Commission;
 129 (11) Georgia Closing the Achievement Gap Commission;
 130 (12) Georgia Higher Education Assistance Corporation;
 131 (13) Georgia Historical Records Advisory Board;
 132 (14) Georgia Student Finance Authority;
 133 (15) Georgia Student Finance Commission;

134 (16) Governor's Council on Developmental Disabilities;

135 (17) Georgia Council for the Arts; and

136 (18) Office of Student Achievement.

137 (e) The following state agencies, including their boards or advisory committees, shall be
 138 reviewed by the Legislative Sunset Advisory Committee by July 1, 2019:

139 (1) Department of Driver Services;

140 (2) Department of Transportation;

141 (3) State Road and Tollway Authority;

142 (4) Georgia Regional Transportation Authority;

143 (5) Governor's Office of Highway Safety;

144 (6) Georgia Highway Authority;

145 (7) Georgia Ports Authority;

146 (8) Georgia Rail Passenger Authority;

147 (9) Georgia Airport Development Authority;

148 (10) Georgia Driver's Education Commission;

149 (11) Governor's Commercial Transportation Advisory Committee;

150 (12) GeorgiaNet Authority; and

151 (13) Georgia Technology Authority.

152 (f) The following state agencies, including their boards or advisory committees, shall be
 153 reviewed by the Legislative Sunset Advisory Committee by July 1, 2021:

154 (1) Department of Community Affairs;

155 (2) Department of Labor;

156 (3) Commission on Equal Opportunity;

157 (4) Department of Economic Development;

158 (5) Department of Insurance;

159 (6) Georgia Employee's Retirement System;

160 (7) State Merit System of Personnel Administration;

161 (8) Georgia Legislative Retirement System;

162 (9) Georgia Institute for Community Business Development;

163 (10) Georgia Judicial Retirement System;

164 (11) Teachers Retirement System of Georgia;

165 (12) Georgia State Personnel Board;

166 (13) Georgia Development Authority;

167 (14) State Board of Workers' Compensation;

168 (15) Georgia State Games Commission;

169 (16) Georgia State Financing and Investment Commission; and

170 (17) Georgia Fiscal Management Council.

171 (g) The following state agencies, including their boards or advisory committees, shall be
 172 reviewed by the Legislative Sunset Advisory Committee by July 1, 2023:

- 173 (1) Council of American Indian Concerns;
 174 (2) Atlanta Regional Commission;
 175 (3) Brian and Spinal Injury Trust Fund Commission;
 176 (4) Civil War Commission;
 177 (5) Georgia Commission on Dispute Resolution;
 178 (6) State Ethics Commission;
 179 (7) Georgia Commission on the Holocaust;
 180 (8) Georgia Council for the Humanities;
 181 (9) Jekyll Island—State Park Authority;
 182 (10) Georgia Lottery Corporation;
 183 (11) State Medical Education Board;
 184 (12) Georgia Board for Physician Workforce;
 185 (13) State Properties Commission;
 186 (14) Georgia Music Hall of Fame Authority;
 187 (15) Georgia Sports Hall of Fame Authority;
 188 (16) Stone Mountain Memorial Association;
 189 (17) Foundation for Public Broadcasting in Georgia, Inc.;
 190 (18) Office of the Secretary of State; and
 191 (19) Geo. L. Smith II Georgia World Congress Center Authority.

192 (h) Agency review shall be repeated every ten years following the agency's initial review
 193 date as set forth in this Code section.

194 50-4-23.

195 (a) Except as provided by this Code section, an agency subject to review by the Legislative
 196 Sunset Advisory Committee shall be abolished on June 30 following the date of review
 197 specified in Code Section 50-4-22 unless the legislature continues the agency; however,
 198 an agency shall not be abolished unless the General Assembly finds that the state laws that
 199 the agency is responsible for implementing or enforcing have been repealed, revised, or
 200 reassigned to another remaining agency and that adequate provision has been made for the
 201 transfer from the abolished agency to a successor agency of all duties, debts, and
 202 obligations, including those relating to bonds, loans, promissory notes, lease-purchase
 203 agreements, installment sales contracts, financing agreements, or any other form of
 204 indebtedness such that security therefor and the rights of bondholders or holders of other
 205 indebtedness are not impaired.

206 (b) If the General Assembly does not take action before the date of abolishment to
 207 continue the agency, the agency shall submit its legislative budget request consistent with
 208 the recommendations of the appropriate Legislative Sunset Advisory Committee review
 209 or any law transferring the agency's functions to other entities.

210 (c) Any agency established by constitutional provision shall not be subject to automatic
 211 abolishment as provided in subsection (a) of this Code section. The committee shall review
 212 the constitutionally established agency in the same manner and shall report to the General
 213 Assembly any recommended constitutional amendments needed for the reorganizing or
 214 abolishing of such constitutionally created agency.

215 (d) Any board, commission, advisory council, or similar body included in the term 'agency'
 216 as defined in Code Section 50-4-1 which has not held an open public meeting for a period
 217 of more than 12 months shall be considered automatically abolished without the need for
 218 further agency review as required by this article. The committee shall be responsible for
 219 presenting legislation to repeal existing statutory provisions relating to the abolished
 220 agency.

221 (e) Except as may otherwise be expressly provided by law, abolition of a state agency shall
 222 not affect the rights and duties that matured, penalties that were incurred, civil or criminal
 223 liabilities that arose, or proceedings that were begun before the abolition.

224 50-4-24.

225 (a) Not later than January 1 of the year preceding the year in which a state agency is
 226 scheduled to be reviewed, the agency shall provide the Legislative Sunset Advisory
 227 Committee with a report outlining the agency's efficiency and productivity and the extent
 228 to which the agency utilizes state resources to best meet the needs of the public.

229 (b) The report required by this Code section shall, at a minimum, include the following:

230 (1) A comprehensive list of state programs and services performed by the agency,
 231 including all special purpose activities undertaken to realize identifiable goals and
 232 objectives in order to achieve the agency's mission and legislative intent;

233 (2) An accounting of state resources spent by the agency;

234 (3) An explanation of factors that have contributed to any failure to achieve legislated
 235 standards or directives;

236 (4) The extent to which the agency has encouraged participation by the public in making
 237 its rules and decisions and the extent to which public participation has resulted in rules
 238 compatible with the objectives of the agency;

239 (5) A statement of any statutory objectives intended for each program and activity, the
 240 problem or need that the program and activity are intended to address, and the extent to
 241 which these objectives have been achieved;

242 (6) An assessment of the extent to which the jurisdiction of the agency and its programs
243 overlap or duplicate those of other agencies and the extent to which those programs can
244 be consolidated with those of other agencies;

245 (7) A self-examining assessment of the agency's efficiency and areas of needed
246 improvement, including goals and objectives for improvement, and the means by which
247 the agency intends to meet these goals and objectives;

248 (8) Recommendations for statutory or budgetary changes that would improve the
249 agency's programs and operations, reduce costs, or improve services to state residents;

250 (9) The effect of federal intervention or loss of federal funds if the agency, or any of its
251 programs or activities, is abolished;

252 (10) An assessment of alternative methods of providing services for which the agency
253 is responsible which would reduce costs or improve performance while adequately
254 protecting the public interest;

255 (11) A summary of the extent to which the agency enforces laws relating to potential
256 conflicts of interest with its employees;

257 (12) An outline of employee disciplinary actions taken by the agency in the past five
258 years summarizing the basis for employment decisions and the actions taken; individual
259 employee identification shall not be included in the report unless specifically requested
260 by the committee;

261 (13) A detailed summary of the agency's hiring and retention patterns for the previous
262 five years;

263 (14) An assessment of the extent to which the agency has corrected any deficiencies and
264 implemented recommendations contained in any state or federal audits or court decisions;

265 (15) A list of all advisory committees and boards, whether established in statute or by
266 the agency; their purposes, activities, composition, and expenses; and an assessment of
267 the extent to which their purposes have been achieved and the rationale for continuing or
268 eliminating each advisory committee or board;

269 (16) A list of agency programs or functions that are performed without specific statutory
270 authority; and

271 (17) Other information as requested by the committee or any study committee created
272 under the committee's direction.

273 (c) Information and data reported by the agency shall be validated by the agency's chief
274 executive before submission to the committee.

275 50-4-25.

276 (a) No later than March 1 of the year in which a state agency is scheduled to be reviewed
277 by the Legislative Sunset Advisory Committee, the committee shall:

- 278 (1) Review the information submitted by the agency;
279 (2) Consult with or hear testimony from any individual, agency, private company, or
280 other expert as needed;
281 (3) Hold public hearings to consider this information as well as testimony that the
282 committee deems necessary; and
283 (4) Present to the President of the Senate and the Speaker of the House of
284 Representatives a report on the agencies scheduled to be reviewed that year by the
285 committee. In the report, the committee shall include its specific findings and
286 recommendations regarding each agency review and indicate whether a public need exists
287 for the continuation of a state agency or for the functions of the agency.
- 288 (b) The committee shall consider the following criteria in determining whether a public
289 need exists for the continuation of a state agency or agency function:
- 290 (1) The efficiency with which the agency operates;
291 (2) The statutory objectives of the agency and the problem or need that the agency is
292 intended to address, the extent to which the objectives have been achieved, and any
293 activities of the agency in addition to those granted by statute and the authority for these
294 activities;
295 (3) An assessment of less restrictive or alternative methods of providing any regulatory
296 function for which the agency is responsible while adequately protecting the public;
297 (4) The extent to which an advisory committee or board is needed or used;
298 (5) The extent to which the jurisdiction of the agency and the programs administered by
299 the agency overlap or duplicate those of other agencies and the extent to which the
300 programs administered by the agency can be consolidated with the programs of other
301 agencies;
302 (6) Whether the agency has recommended to the legislature statutory changes calculated
303 to be of benefit to the public;
304 (7) The promptness and effectiveness with which the agency responds to the public's
305 complaints and the extent to which the agency has encouraged participation by the public
306 in making its rules and decisions;
307 (8) The extent to which the agency has satisfied requirements of state law, safeguarded
308 public health, safety, and welfare, and utilized state resources;
309 (9) The extent to which the agency accurately reports performance measures used to
310 justify state spending on each of its activities, services, and programs;
311 (10) The effect of probable federal intervention or loss of federal funds if the agency or
312 an agency function is abolished; and
313 (11) The extent to which changes are necessary in the enabling statutes of the agency so
314 that the agency can adequately comply with the criteria of this article.

315 (c) In its report on an agency, the committee shall make recommendations on the abolition,
316 continuation, or reorganization of such agency and on the need for the continuation of the
317 functions of the agency. The report shall also make recommendations on the consolidation,
318 transfer, or reorganization of an agency's programs when those programs are duplicated by
319 another agency.

320 (d) It shall be the responsibility of the committee to prepare drafts of legislation necessary
321 to carry out the committee's recommendations.

322 50-4-26.

323 The President of the Senate and the Speaker of the House of Representatives shall forward
324 any bill initiated in either chamber which creates a new state agency, department, board,
325 council, commission, or other body under the authority of the executive branch of state
326 government to the Legislative Sunset Advisory Committee for consideration. The bill shall
327 be favorably reported out of the committee by a majority vote of the members before such
328 bill may be assigned to any other committee in either the Senate or the House of
329 Representatives."

330 **SECTION 2.**

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