

House Bill 456

By: Representatives Byrd of the 20th, Hill of the 21st, Braddock of the 19th, Jerguson of the 22nd, Sheldon of the 105th, 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 contingent upon adoption of a resolution by the General
7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,
8 or reassigned; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization
13 of the executive branch generally, is amended by designating Code Sections 50-4-1 through
14 50-4-7 as Article 1 and by adding a new article to read as follows:

15 "ARTICLE 2

16 50-4-20.

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

23 50-4-21.

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

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

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

45 50-4-22.

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

54 (b) Except as provided by this Code section, an agency subject to review by the Legislative
55 Sunset Advisory Committee shall be automatically abolished on the year anniversary of the
56 committee's decision recommending that such agency be abolished; provided, however, no
57 agency shall be abolished unless or until the General Assembly finds by adoption of a joint
58 resolution that the state laws that the agency is responsible for implementing or enforcing

59 have been repealed, revised, or reassigned to another remaining agency and that adequate
 60 provision has been made for the transfer from the abolished agency to a successor agency
 61 of all duties, debts, and obligations, including those relating to bonds, loans, promissory
 62 notes, lease-purchase agreements, installment sales contracts, financing agreements, or any
 63 other form of indebtedness such that security therefor and the rights of bondholders or
 64 holders of other indebtedness are not impaired.

65 (c) If the General Assembly does not take action to continue the agency before the date of
 66 abolishment, the agency shall submit its legislative budget request consistent with the
 67 recommendations of the review of the Legislative Sunset Advisory Committee or any law
 68 transferring the agency's functions to other entities.

69 (d) Any agency established by constitutional provision shall not be subject to automatic
 70 abolishment as provided in subsection (a) of this Code section. The committee shall review
 71 the constitutionally established agency in the same manner and shall report to the General
 72 Assembly any recommended constitutional amendments needed for the reorganizing or
 73 abolishing of such constitutionally created agency.

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

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

83 50-4-23.

84 (a) Not later than six months prior to the date on which a state agency is scheduled to be
 85 reviewed, the agency shall provide the Legislative Sunset Advisory Committee with a
 86 report outlining the agency's efficiency and productivity and the extent to which the agency
 87 utilizes state resources to best meet the needs of the public.

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

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

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

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

- 95 (4) The extent to which the agency has encouraged participation by the public in making
96 its rules and decisions and the extent to which public participation has resulted in rules
97 compatible with the objectives of the agency;
- 98 (5) A statement of any statutory objectives intended for each program and activity, the
99 problem or need that the program and activity are intended to address, and the extent to
100 which these objectives have been achieved;
- 101 (6) An assessment of the extent to which the jurisdiction of the agency and its programs
102 overlap or duplicate those of other agencies and the extent to which those programs can
103 be consolidated with those of other agencies;
- 104 (7) A self-examining assessment of the agency's efficiency and areas of needed
105 improvement, including goals and objectives for improvement, and the means by which
106 the agency intends to meet these goals and objectives;
- 107 (8) Recommendations for statutory or budgetary changes that would improve the
108 agency's programs and operations, reduce costs, or improve services to state residents;
- 109 (9) The effect of federal intervention or loss of federal funds if the agency, or any of its
110 programs or activities, is abolished;
- 111 (10) An assessment of alternative methods of providing services for which the agency
112 is responsible which would reduce costs or improve performance while adequately
113 protecting the public interest;
- 114 (11) A detailed summary of the agency's hiring and retention patterns for the previous
115 five years;
- 116 (12) An assessment of the extent to which the agency has corrected any deficiencies and
117 implemented recommendations contained in any state or federal audits or court decisions;
- 118 (13) A list of all advisory committees and boards of the agency, whether established in
119 statute or by the agency; their purposes, activities, composition, and expenses; and an
120 assessment of the extent to which their purposes have been achieved and the rationale for
121 continuing or eliminating each advisory committee or board;
- 122 (14) A list of agency programs or functions that are performed without specific statutory
123 authority; and
- 124 (15) Other information as requested by the committee or any study committee created
125 under the committee's direction.
- 126 (c) Information and data reported by the agency shall be validated by the agency's chief
127 executive before submission to the committee.

128 50-4-24.

129 (a) Not later than six months following receipt of the agency's report required by Code
130 Section 50-4-23 the Legislative Sunset Advisory Committee shall complete its review of
131 the agency. When conducting its agency review the committee shall:

132 (1) Review the information submitted by the agency;

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

135 (3) Hold public hearings to consider this information as well as testimony that the
136 committee deems necessary; and

137 (4) Present to the President of the Senate and the Speaker of the House of
138 Representatives a report on the agencies scheduled to be reviewed that year by the
139 committee. In the report, the committee shall include its specific findings and
140 recommendations regarding each agency review and indicate whether a public need exists
141 for the continuation of a state agency or for the functions of the agency.

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

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

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

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

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

152 (5) The extent to which the jurisdiction of the agency and the programs administered by
153 the agency overlap or duplicate those of other agencies and the extent to which the
154 programs administered by the agency can be consolidated with the programs of other
155 agencies;

156 (6) Whether the agency has recommended to the legislature statutory changes calculated
157 to be of benefit to the public;

158 (7) The promptness and effectiveness with which the agency responds to the public's
159 complaints and the extent to which the agency has encouraged participation by the public
160 in making its rules and decisions;

161 (8) The extent to which the agency has satisfied requirements of state law, safeguarded
162 public health, safety, and welfare, and utilized state resources;

163 (9) The extent to which the agency accurately reports performance measures used to
164 justify state spending on each of its activities, services, and programs;

165 (10) The effect of probable federal intervention or loss of federal funds if the agency or
166 an agency function is abolished; and

167 (11) The extent to which changes are necessary in the enabling statutes of the agency so
168 that the agency can adequately comply with the criteria of this article.

169 (c) In its report on an agency, the committee shall make recommendations on the abolition,
170 continuation, or reorganization of such agency and on the need for the continuation of the
171 functions of the agency. The report shall also make recommendations on the consolidation,
172 transfer, or reorganization of an agency's programs when those programs are duplicated by
173 another agency.

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

176 **SECTION 2.**

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