

Senate Bill 223

By: Senators Ligon, Jr. of the 3rd, Rogers of the 21st, Hill of the 32nd, Ginn of the 47th, Albers of the 56th and others

AS PASSED SENATE

**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7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,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. The
33 cochairpersons shall each be authorized to appoint no more than two ex officio members
34 of the committee. Vacancies in an appointed member's position or in the offices of
35 cochairperson of the committee shall be filled for the unexpired term in the same manner
36 as the original appointment. The committee shall advise the General Assembly regarding
37 the agency sunset provisions required by this article.

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

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

46 50-4-22.

47 (a)(1) The Legislative Sunset Advisory Committee may 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 committee shall be responsible for establishing a schedule for the routine
51 review of state agencies. It shall be the responsibility of the Legislative Sunset Advisory
52 Committee to schedule agency reviews. The Legislative Sunset Advisory Committee shall
53 have the discretion to add any agency to the review schedule or to modify an agency's
54 scheduled review.

55 (2) This article shall not apply to any state entity to which state funds are not appropriated
56 in an appropriations Act.

57 (b) Except as provided by this Code section, an agency subject to review by the Legislative
58 Sunset Advisory Committee shall be automatically abolished on the year anniversary of the

59 committee's decision recommending that such agency be abolished; provided, however, no
60 agency shall be abolished unless or until the General Assembly finds by adoption of a joint
61 resolution that the state laws that the agency is responsible for implementing or enforcing
62 have been repealed, revised, or reassigned to another remaining agency and that adequate
63 provision has been made for the transfer from the abolished agency to a successor agency
64 of all duties, real property, debts, and obligations, including those relating to bonds, loans,
65 promissory notes, lease-purchase agreements, installment sales contracts, financing
66 agreements, or any other form of indebtedness such that security therefor and the rights of
67 bondholders or holders of other indebtedness are not impaired.

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

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

77 (e) Any board, commission, advisory council, or similar body included in the term 'agency'
78 as defined in Code Section 50-4-1 which has not held an open public meeting for a period
79 of more than 12 months shall be considered automatically abolished without the need for
80 further agency review as required by this article. The committee shall be responsible for
81 presenting legislation to repeal existing statutory provisions relating to the abolished
82 agency. The committee shall give public notice of any proposed legislation not later than
83 the first day of December of the year preceding its introduction.

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

87 50-4-23.

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

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

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

130 (16) Copies of any program audits, performance audits, and any other reports provided
 131 by the state auditor;

132 (17) A list and summary of all litigation in which the agency is engaged and the status
 133 of such cases, including assessments of any financial liability to which they expose the
 134 state; and

135 (18) Other information as requested by the committee or any study committee created
 136 under the committee's direction.

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

139 50-4-24.

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

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

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

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

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

153 (b) The committee 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 extent to which the agency is reasonably deemed to be a core or essential
 177 function of state government under the provisions of the Constitution of Georgia;
 178 (11) The effect of probable federal intervention or loss of federal funds if the agency or
 179 an agency function is abolished; and
 180 (12) The extent to which changes are necessary in the enabling statutes of the agency so
 181 that the agency can adequately comply with the criteria of this article.
 182 (c) In its report on an agency, the committee shall make recommendations on the abolition,
 183 continuation, or reorganization of such agency and on the need for the continuation of the
 184 functions of the agency. The report shall also make recommendations on the elimination,
 185 privatization, consolidation, transfer, or reorganization of an agency's programs when those
 186 programs are duplicated by another agency.
 187 (d) It shall be the responsibility of the committee to prepare drafts of legislation necessary
 188 to carry out the committee's recommendations."

189 **SECTION 2.**

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