

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7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,  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.