COMMITTEE OF CONFERENCE SUBSTITUTE TO SB 223

A BILL TO BE ENTITLED AN ACT

To amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to create the Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies contingent upon adoption of a resolution by the General Assembly declaring that the state laws applicable to such agency have been repealed, revised, or reassigned; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

15 "ARTICLE 2

16 <u>50-4-20.</u>

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

23 <u>50-4-21.</u>

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(a) There is created as a joint committee of the General Assembly the Legislative Sunset Advisory Committee to be composed of seven members of the House of Representatives appointed by the Speaker of the House and seven members of the Senate appointed by the President of the Senate. One of the appointees appointed by the Speaker of the House shall be a Governor's floor leader in the House of Representatives and one of the members appointed by the President of the Senate shall be a Governor's floor leader in the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. A cochairperson of the committee shall be appointed by the President of the Senate from the membership of the committee, and a cochairperson of the committee shall be appointed by the Speaker of the House from the membership of the committee. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. The cochairpersons shall each be authorized to appoint no more than two ex officio members of the committee. Vacancies in an appointed member's position or in the offices of cochairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall advise the General Assembly regarding the agency sunset provisions required by this article.

- (b) The Senate and the House of Representatives, in cooperation with the office of the Governor, may each employ staff to work for the cochairpersons of the committee on matters related to committee activities.
- (c) In carrying out its function under this article, the committee may request, through the cochairpersons, the assistance of any state agency or office. When so requested, a state agency or office shall assist the committee. The committee or its designated staff member may inspect, review, and copy the records, documents, and files of any state agency that are subject to public disclosure. All information subject to public disclosure shall be made available for review and copying within three business days.

50 <u>50-4-22.</u>

(a)(1) The Legislative Sunset Advisory Committee shall review all state agencies, including all boards, departments, advisory committees, authorities, bureaus, offices, and any other state entity of the executive branch of state government regardless of its designation. The committee shall be responsible for establishing a schedule for the routine review of state agencies. It shall be the responsibility of the Legislative Sunset Advisory Committee to schedule agency reviews. The Legislative Sunset Advisory Committee shall have the discretion to add any agency to the review schedule or to modify an agency's scheduled review.

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

- (b) Except as provided by this Code section, an agency subject to review by the Legislative Sunset Advisory Committee shall be automatically abolished on the one-year anniversary of the committee's decision recommending that such agency be abolished; provided, however, that no agency shall be abolished unless or until the General Assembly finds by adoption of a joint resolution that the state laws that the agency is responsible for implementing or enforcing have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made for the transfer from the abolished agency to a successor agency of all duties, real property, debts, and obligations, including those relating to bonds, loans, promissory notes, lease-purchase agreements, installment sales contracts, financing agreements, or any other form of indebtedness such that security therefor and the rights of bondholders or holders of other indebtedness are not impaired.

 (c) If the General Assembly does not take action to continue an agency before the date of its abolishment, the agency shall submit its legislative budget request consistent with the recommendations of the review of the Legislative Sunset Advisory Committee or any law transferring the agency's functions to other entities.
- (d) Any agency established by constitutional provision shall not be subject to automatic abolishment as provided in subsection (a) of this Code section. The committee shall review the constitutionally established agency in the same manner and shall report to the General Assembly any recommended constitutional amendments needed for the reorganizing or abolishing of such constitutionally created agency.
- (e) Any board, commission, advisory council, or similar body included in the term 'agency' as defined in Code Section 50-4-1 that has not held an open public meeting for a period of more than 12 months shall be considered automatically abolished without the need for further agency review as required by this article. The committee shall be responsible for presenting legislation to repeal existing statutory provisions relating to the abolished agency. The committee shall give public notice of any proposed legislation not later than the first day of December of the year preceding its introduction.
- (f) Except as otherwise expressly provided by law, abolition of a state agency shall not affect the rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose, or proceedings that were begun before the abolition.
- 50-4-23.

(a) Not later than six months prior to the date on which a state agency is scheduled to be
 reviewed, the agency shall provide the Legislative Sunset Advisory Committee with a

12 94 report outlining the agency's efficiency and productivity and the extent to which the agency 95 utilizes state resources to best meet the needs of the public. 96 (b) The report required by this Code section shall, at a minimum, include the following: 97 (1) A comprehensive list of state programs and services performed by the agency, including all special purpose activities undertaken to realize identifiable goals and 98 99 objectives in order to achieve the agency's mission and legislative intent; 100 (2) An accounting of state resources appropriated to and spent by the agency; 101 (3) An explanation of factors that have contributed to any failure to achieve legislated 102 standards or directives; 103 (4) The extent to which the agency has encouraged participation by the public in making 104 its rules and decisions and the extent to which public participation has resulted in rules 105 compatible with the objectives of the agency; (5) A statement of any statutory objectives intended for each program and activity, the 106 107 problem or need that the program or activity is intended to address, and the extent to 108 which these objectives have been achieved; 109 (6) An assessment of the extent to which the jurisdiction of the agency and its programs 110 overlap or duplicate those of other agencies and the extent to which those programs can 111 be eliminated, reorganized, privatized, or consolidated with those of other agencies; 112 (7) A self-examining assessment of the agency's efficiency and areas of needed 113 improvement, including goals and objectives for improvement, and the means by which 114 the agency intends to meet these goals and objectives; 115 (8) Recommendations for statutory or budgetary changes that would improve the 116 agency's programs and operations, reduce costs, or improve services to state residents; 117 (9) The effect of federal intervention or loss of federal funds if the agency, or any of its 118 programs or activities, is abolished; 119 (10) An assessment of alternative methods of providing services for which the agency 120 is responsible that would reduce costs or improve performance while adequately 121 protecting the public interest; 122 (11) An assessment of the agency and its programs to determine whether the agency or 123 its programs should be eliminated, reorganized, privatized, or consolidated; 124 (12) A detailed summary of the agency's hiring and retention patterns for the previous 125 five years; 126 (13) An assessment of the extent to which the agency has corrected any deficiencies and

implemented recommendations contained in any state or federal audits or court decisions;

(14) A list of all advisory committees and boards of the agency, whether established in

statute or by the agency; their purposes, activities, composition, and expenses; and an

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assessment of the extent to which their purposes have been achieved and the rationale for

131	continuing or eliminating each advisory committee or board;
132	(15) A list of agency programs or functions that are performed without specific statutory
133	authority;
134	(16) Copies of any program audits, performance audits, and any other reports provided
135	by the state auditor;
136	(17) A list and summary of all litigation in which the agency is engaged and the status
137	of such cases, including assessments of any financial liability to which they expose the
138	state; and
139	(18) Other information as requested by the committee or any study committee created
140	under the committee's direction.
141	(c) Information and data reported by the agency shall be validated by the agency's chief
142	executive before submission to the committee.
143	<u>50-4-24.</u>
144	(a) Not later than six months following receipt of the agency's report required by Code
145	Section 50-4-23, the Legislative Sunset Advisory Committee shall complete its review of
146	the agency. When conducting its agency review the committee shall:
147	(1) Review the information submitted by the agency;
148	(2) Consult with or hear testimony from any individual, agency, private company, or
149	other expert as needed;
150	(3) Hold public hearings to consider this information as well as testimony that the
151	committee deems necessary; and
152	(4) Present to the President of the Senate, the Speaker of the House of Representatives,
153	and the Governor a report on the agencies scheduled to be reviewed that year by the
154	committee. In the report, the committee shall include its specific findings and
155	recommendations regarding each agency review and indicate whether a public need exists
156	for the continuation of a state agency or for the functions of the agency.
157	(b) The committee shall consider the following criteria in determining whether a public
158	need exists for the continuation of a state agency or agency function:
159	(1) The efficiency with which the agency operates;
160	(2) The statutory objectives of the agency and the problem or need that the agency is
161	intended to address, the extent to which the objectives have been achieved, and any
162	activities of the agency in addition to those granted by statute and the authority for these
163	activities;
164	(3) An assessment of less restrictive or alternative methods of providing any regulatory
165	function for which the agency is responsible while adequately protecting the public;

166	(4) The extent to which an advisory committee or board is needed or used;
167	(5) The extent to which the jurisdiction of the agency and the programs administered by
168	the agency overlap or duplicate those of other agencies and the extent to which the
169	programs administered by the agency can be consolidated with the programs of other
170	agencies;
171	(6) Whether the agency has recommended to the legislature statutory changes calculated
172	to be of benefit to the public;
173	(7) The promptness and effectiveness with which the agency responds to the public's
174	complaints and the extent to which the agency has encouraged participation by the public
175	in making its rules and decisions;
176	(8) The extent to which the agency has satisfied requirements of state law, safeguarded
177	public health, safety, and welfare, and utilized state resources;
178	(9) The extent to which the agency accurately reports performance measures used to
179	justify state spending on each of its activities, services, and programs;
180	(10) The extent to which the agency is reasonably deemed to be a core or essential
181	function of state government under the provisions of the Constitution of Georgia;
182	(11) The effect of probable federal intervention or loss of federal funds if the agency or
183	an agency function is abolished; and
184	(12) The extent to which changes are necessary in the enabling statutes of the agency so
185	that the agency can adequately comply with the criteria of this article.
186	(c) In its report on an agency, the committee shall make recommendations on the abolition,
187	continuation, or reorganization of such agency and on the need for the continuation of the
188	functions of the agency. The report shall also make recommendations on the elimination,
189	privatization, consolidation, transfer, or reorganization of an agency's programs when those
190	programs are duplicated by another agency.
191	(d) It shall be the responsibility of the committee to prepare drafts of legislation necessary
192	to carry out the committee's recommendations."
193	SECTION 2.
194	All laws and parts of laws in conflict with this Act are repealed.

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