

The Senate Appropriations Committee offered the following substitute to HB 456:

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7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,  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 provide an effective date; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**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 style="text-align:center">"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 their responsiveness  
22 to the 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. One of the appointees appointed by the Speaker of the House shall  
28 be a Governor's floor leader in the House of Representatives and one of the members  
29 appointed by the President of the Senate shall be a Governor's floor leader in the Senate.  
30 At least one of the appointees appointed by the Speaker of the House and at least one of the  
31 appointees appointed by the President of the Senate shall be a member of the minority  
32 party. The members of the committee shall serve two-year terms concurrent with their  
33 terms as members of the General Assembly. A cochairperson of the committee shall be  
34 appointed by the President of the Senate from the membership of the committee, and a  
35 cochairperson of the committee shall be appointed by the Speaker of the House from the  
36 membership of the committee. The cochairpersons shall serve terms of two years  
37 concurrent with their terms as members of the General Assembly. The cochairpersons  
38 shall each be authorized to appoint no more than two ex officio members of the committee.  
39 Vacancies in an appointed member's position or in the offices of cochairperson of the  
40 committee shall be filled for the unexpired term in the same manner as the original  
41 appointment. The committee shall advise the General Assembly regarding the agency  
42 sunset provisions required by this article.

43 (b) The Senate and the House of Representatives, in cooperation with the office of the  
44 Governor, may each employ staff to work for the cochairpersons of the committee on  
45 matters related to committee activities.

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

52 50-4-22.

53 (a)(1) The Legislative Sunset Advisory Committee shall review all state agencies,  
54 including all boards, departments, advisory committees, authorities, bureaus, offices, and  
55 any other state entity of the executive branch of state government regardless of its  
56 designation. The committee shall be responsible for establishing a schedule for the  
57 routine review of state agencies. It shall be the responsibility of the Legislative Sunset  
58 Advisory Committee to schedule agency reviews. The Legislative Sunset Advisory

59 Committee shall have the discretion to add any agency to the review schedule or to  
60 modify an agency's scheduled review.

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

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

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

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

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

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

93 50-4-23.

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

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

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

102 (2) An accounting of state resources appropriated to and spent by the agency;

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

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

108 (5) A statement of any statutory objectives intended for each program and activity, the  
109 problem or need that the program or activity is intended to address, and the extent to  
110 which these objectives have been achieved;

111 (6) An assessment of the extent to which the jurisdiction of the agency and its programs  
112 overlap or duplicate those of other agencies and the extent to which those programs can  
113 be eliminated, reorganized, privatized, or consolidated with those of other agencies;

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

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

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

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

124 (11) An assessment of the agency and its programs to determine whether the agency or  
125 its programs should be eliminated, reorganized, privatized, or consolidated;

126 (12) A detailed summary of the agency's hiring and retention patterns for the previous  
127 five years;

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

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

134 (15) A list of agency programs or functions that are performed without specific statutory  
 135 authority;

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

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

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

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

145 50-4-24.

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

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

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

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

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

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

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

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

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

195 **SECTION 2.**

196 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 197 without such approval.

198 **SECTION 3.**

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