

House Bill 456 (AS PASSED HOUSE AND SENATE)

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7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,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