

The Senate Committee on Government Oversight offered the following substitute to HB 493:

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7 Assembly declaring that the state laws applicable to such agency have been repealed, revised,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 reports and hearings; to provide for related matters; to provide
9 an effective date; to repeal 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.'

19 50-4-21.

20 It is the intent of the General Assembly to establish a method by which the efficiency of
21 state government shall be reviewed and the productivity of each agency evaluated. This
22 article is meant to ensure that the valuable resources of the state are best utilized and that

23 state agencies are held accountable for their service to the public and their responsiveness
 24 to the needs of the citizens of this state.

25 50-4-22.

26 (a) There is created as a joint committee of the General Assembly the Legislative Sunset
 27 Advisory Committee to be composed of seven members of the Senate appointed by the
 28 President Pro Tempore of the Senate and seven members of the House of Representatives
 29 appointed by the Speaker of the House. The members of the committee shall serve
 30 two-year terms concurrent with their terms as members of the General Assembly. A
 31 cochairperson of the committee shall be appointed by the President Pro Tempore of the
 32 Senate from the membership of the committee, and a cochairperson of the committee shall
 33 be appointed by the Speaker of the House from the membership of the committee. The
 34 cochairpersons shall serve two-year terms concurrent with their terms as members of the
 35 General Assembly. The cochairpersons shall each be authorized to appoint no more than
 36 two ex officio members of the committee. Vacancies in an appointed member's position
 37 or in the offices of cochairperson of the committee shall be filled for the unexpired term
 38 in the same manner as the original appointment. The committee shall advise the General
 39 Assembly regarding the agency sunset provisions required by this article.

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

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

49 50-4-23.

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

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

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

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

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

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

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

90 50-4-24.

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

93 report outlining the agency's efficiency and productivity and the extent to which the agency
94 utilizes state resources to best meet the needs of the public.

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

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

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

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

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

105 (5) A statement of any statutory objectives intended for each program and activity, the
106 problem or need that the program or activity is intended to address, and the extent to
107 which such objectives have been achieved;

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

111 (7) A self-examining assessment of the agency's efficiency and areas of needed
112 improvement, including goals and objectives for improvement, and the means by which
113 the agency intends to meet such goals and objectives;

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

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

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

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

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

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

127 (14) A list of all advisory committees and boards of the agency, whether established in
128 statute or by the agency; their purposes, activities, composition, and expenses; and an

- 129 assessment of the extent to which their purposes have been achieved and the rationale for
 130 continuing or eliminating each advisory committee or board;
 131 (15) A list of agency programs or functions that are performed without specific statutory
 132 authority;
 133 (16) Copies of any program audits, performance audits, and any other reports provided
 134 by the state auditor;
 135 (17) A list and summary of all litigation in which the agency is engaged and the status
 136 of such cases, including assessments of any financial liability to which they expose the
 137 state; and
 138 (18) Other information as requested by the committee or any study committee created
 139 under the committee's direction.
 140 (c) Information and data reported by the agency shall be validated by the agency's chief
 141 executive before submission to the committee.

142 50-4-25.

- 143 (a) Not later than six months following receipt of the agency's report required by Code
 144 Section 50-4-24, the Legislative Sunset Advisory Committee shall complete its review of
 145 the agency. When conducting its agency review the committee shall:
 146 (1) Review the information submitted by the agency;
 147 (2) Consult with or hear testimony from any individual, agency, private company, or
 148 other expert as needed;
 149 (3) Hold public hearings to consider this information as well as testimony that the
 150 committee deems necessary; and
 151 (4) Present to the President Pro Tempore of the Senate, the Speaker of the House of
 152 Representatives, and the Governor a report on the agencies scheduled to be reviewed that
 153 year by the committee. In the report, the committee shall include its specific findings and
 154 recommendations regarding each agency review and indicate whether a public need exists
 155 for the continuation of a state agency or for the functions of the agency.
 156 (b) The committee shall consider the following criteria in determining whether a public
 157 need exists for the continuation of a state agency or agency function:
 158 (1) The efficiency with which the agency operates;
 159 (2) The statutory objectives of the agency and the problem or need that the agency is
 160 intended to address, the extent to which the objectives have been achieved, and any
 161 activities of the agency in addition to those granted by statute and the authority for such
 162 activities;
 163 (3) An assessment of less restrictive or alternative methods of providing any regulatory
 164 function for which the agency is responsible while adequately protecting the public;

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

192 **SECTION 2.**

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

195 **SECTION 3.**

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