

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 260 Session of 2007

INTRODUCED BY D. EVANS, CALTAGIRONE, CAPPELLI, CURRY, DePASQUALE, FREEMAN, GALLOWAY, HARHAI, HARPER, JAMES, JOSEPHS, W. KELLER, KING, LEACH, MARSHALL, PARKER, PASHINSKI, SHAPIRO, SOLOBAY, STURLA, THOMAS, WANSACZ, WHEATLEY, YOUNGBLOOD, SAYLOR, BELFANTI, DALEY, FRANKEL, DENLINGER, PAYTON, WALKO AND GRELL, FEBRUARY 6, 2007

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 29, 2007

AN ACT

1 Requiring executive agencies to prepare and submit strategic  
2 plans, performance plans and performance reports; and  
3 imposing additional powers and duties on the Office of the  
4 Budget.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Government  
9 Performance and Accountability Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Executive agency." The Governor and the departments,  
15 boards, commissions, authorities and other officers and agencies  
16 of the Commonwealth. The term shall not include any court or

1 other officer or agency of the unified judicial system, the  
2 General Assembly and its officers and agencies, the Auditor  
3 General, including the Board of Claims, the Treasury Department,  
4 the Office of Attorney General or the Pennsylvania Public  
5 Utility Commission.

6 "Performance goal." A target level of performance expressed  
7 as a measurable objective against which actual achievement can  
8 be compared, including a goal expressed as a quantitative  
9 standard, value or rate.

10 "Program evaluation." An assessment through objective  
11 measurement and systematic analysis of the manner and extent to  
12 which Commonwealth programs achieve intended objectives.

13 Section 3. Strategic plans.

14 (a) Plan and content.--No later than September 30, 2007 <—  
15 2008, each executive agency shall submit to the Office of the <—  
16 Budget a long-range strategic plan for improving the  
17 effectiveness and efficiency of its operations in accordance  
18 with this section. The plan shall include each of the following  
19 items or an explanation why an item does not apply to the  
20 executive agency:

21 (1) A comprehensive mission statement covering the major  
22 functions and operations of the agency.

23 (2) A statement of general goals and objectives,  
24 including outcome-related goals and objectives, for the major  
25 functions and operations of the agency.

26 (3) A description of plans and strategies for achieving  
27 the general goals and objectives of the agency, including a  
28 description of the operational processes and the resources  
29 required to meet those goals and objectives.

30 (4) An identification of those key factors external to

1 the agency and beyond its control that could significantly  
2 affect the achievement of the general goals and objectives.

3 (5) A description of the program evaluations to be used  
4 by the agency in assessing its performance in meeting its  
5 general goals and objectives, with a schedule for future  
6 program evaluations.

7 (b) Time period of plan.--The strategic plan shall cover a  
8 period of five years forward from the fiscal year in which it is  
9 submitted and shall be updated and revised at least every three  
10 years.

11 (c) Forms.--The Office of the Budget shall develop forms and  
12 instructions for the use of the executive agencies in the  
13 preparation of their strategic plans.

14 (d) Comments from General Assembly.--When developing a  
15 strategic plan, each executive agency shall solicit and consider  
16 the comments and recommendations of the General Assembly.

17 (e) Copies of plans.--The General Assembly shall receive a  
18 copy of each strategic plan issued by each executive agency.

19 Section 4. Performance plans.

20 (a) Plan and content.--Beginning in ~~2007~~ 2008 and every year ←  
21 thereafter, each executive agency shall prepare and submit to  
22 the Office of the Budget, at the same time it submits its budget  
23 for the succeeding fiscal year, an annual performance plan  
24 covering each program activity set forth in the budget of the  
25 agency. The plan shall be consistent with the executive agency's  
26 strategic plan and shall:

27 (1) Identify and define performance measures to be used  
28 in assessing the relevant outputs, service levels and  
29 outcomes of each program activity.

30 (2) Establish performance goals to define the level of

1 performance achieved by a program activity, expressing such  
2 goals in an objective and quantifiable form unless authorized  
3 to be in an alternative form under subsection (b).

4 (3) Describe the operational processes and the resources  
5 required to meet the performance goals.

6 (4) Describe how the performance goals are related to  
7 the general goals and objectives of its long-range strategic  
8 plan.

9 (b) Alternative to performance goals.--If an executive  
10 agency, in consultation with the Office of the Budget,  
11 determines that it is not feasible to express the performance  
12 goals for a particular program activity in an objective,  
13 quantifiable and measurable form, the Secretary of the Budget  
14 may authorize an alternative form. The alternative form shall:

15 (1) include a descriptive statement of the alternative  
16 as authorized by the Office of the Budget, with sufficient  
17 precision and in such terms that would allow for an accurate,  
18 independent determination of whether the program activity's  
19 performance meets the criteria of the description; or

20 (2) state why it is infeasible or impractical to express  
21 a performance goal in any form for the program activity.

22 (c) Submission of plan.--The Governor shall submit to the  
23 General Assembly, at the same time he submits his budget, copies  
24 of executive agency performance plans.

25 Section 5. Program performance reports.

26 (a) Submission.--No later than March 1, ~~2010~~ 2011, and no  
27 later than March 1 of each year thereafter, each executive  
28 agency shall prepare and submit to the Governor and the General  
29 Assembly a report on program performance for the previous fiscal  
30 year.

<—

1 (b) Contents of report.--

2 (1) Each program performance report shall set forth the  
3 performance measures established in the executive agency  
4 performance plan, along with the actual program performance  
5 achieved compared with the performance goals expressed in the  
6 performance plan for that fiscal year. Each report shall also  
7 include actual results for the three preceding fiscal years.

8 (2) If performance goals are specified in an alternative  
9 form under section 4(b), the results of such program shall be  
10 described in relation to such specifications.

11 (c) Further information.--Each report shall:

12 (1) Review the success of achieving the performance  
13 goals of the fiscal year.

14 (2) Where a performance goal has not been met, explain  
15 and describe why.

16 (3) Include the summary findings of those program  
17 evaluations completed during the fiscal year covered by the  
18 report.

19 Section 6. Performance budgeting.

20 No later than December 31, ~~2010~~ 2013, the Office of the ←  
21 Budget shall submit a report to the Governor and the General  
22 Assembly containing its recommendations for linking performance  
23 and accountability to budgeting decisions. The report shall:

24 (1) Describe any difficulties encountered by executive  
25 agencies in preparing strategic plans, performance plans and  
26 program performance reports.

27 (2) Consider proposals to waive administrative  
28 requirements and controls for an executive agency in return  
29 for specific individual or organizational accountability to  
30 achieve a performance goal.

1           (3) Consider systems of penalties and rewards in  
2 response to the performance levels achieved by an executive  
3 agency.

4           (4) Recommend whether further legislation should be  
5 proposed to implement its recommendations and provide the  
6 general provisions of the legislation.

7           (5) Set forth any recommended changes in the other  
8 requirements of this act.

9 Section 7. Legislative oversight.

10          At the request of the General Assembly, the Legislative  
11 Budget and Finance Committee shall audit selected executive  
12 agencies to:

13           (1) Certify the accuracy and validity of data submitted  
14 through performance reports.

15           (2) Assess the appropriateness of performance measures  
16 identified in the performance plan.

17           (3) Evaluate agency performance and effectiveness in  
18 achieving the goals and objectives presented in the strategic  
19 plan.

20 Section 8. Effective date.

21          This act shall take effect immediately.