

Introduced by

1 A BILL for an Act to provide for state government performance and accountability; to amend  
2 and reenact sections 54-44.1-06 and 54-44.1-08 of the North Dakota Century Code, relating to  
3 information included in the executive budget; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. Government performance and accountability system.** The  
6 government performance and accountability system is created to provide agency managers, the  
7 governor, the legislative assembly, and the public with the information necessary to evaluate  
8 and assess agency performance and accountability for the purpose of ensuring that state  
9 government services are effective and state resources are used efficiently. The office of  
10 management and budget shall establish and maintain, subject to the input of and review by the  
11 government performance and accountability committee, the government performance and  
12 accountability system for executive branch agencies and departments. The system must focus  
13 on the results and outcomes of major agency activities. The university system shall participate  
14 in the system in accordance with section 15-10-14.2 and shall present its performance and  
15 accountability information to the government performance and accountability committee upon  
16 request.

17 **SECTION 2. Definitions. As used in this Act:**

- 18 1. "Performance measure" means a quantitative or qualitative indicator used to  
19 assess the outcome or result of an agency or department goal or objective.  
20 2. "Performance measurement data" means performance measures, performance  
21 results, performance targets, and related analytical, explanatory, and supporting  
22 information.

1           3. "Performance result" means a numeric value relating to a performance measure  
2                   calculated or determined based on actual agency or department performance for a  
3                   specified time period.

4           4. "Performance target" means a numeric value established for a performance  
5                   measure to identify an expected level of agency or department performance for a  
6                   specified time period.

7           **SECTION 3. Government performance and accountability committee -**

8 **Appointment - Additional participation.** The legislative council, during each biennium, shall  
9 appoint a government performance and accountability committee in the same manner as the  
10 council appoints other interim committees. The council shall appoint to the committee up to  
11 four members of the house of representatives, no more than three of whom may be from the  
12 same political party and up to four members of the senate, no more than three of whom may be  
13 from the same political party. The council shall designate the chairman of the committee. The  
14 council may appoint up to two citizens to the committee to serve six-year terms. These  
15 members are entitled to compensation under section 54-35-10 for attendance at meetings of  
16 the committee. The council shall consider reappointment of members to the committee to  
17 maintain continuity. The director of the office of management and budget, or the director's  
18 designee, and the state auditor, or the state auditor's designee, are members of the committee.  
19 The chairman may invite up to three additional members of the house of representatives and up  
20 to three additional members of the senate to attend meetings of the committee when committee  
21 discussion relates to the members' legislative standing committee assignments. These  
22 members are entitled to compensation under section 54-35-10 for attendance at meetings to  
23 which they are invited under this section. The committee shall operate in accordance with the  
24 statutes and procedures governing the operation of other legislative council interim committees.

25           **SECTION 4. Government performance and accountability committee - Powers**

26 **and duties - Staff services.** The government performance and accountability committee has  
27 continuing existence and may meet and conduct its business during the legislative session and  
28 in the interim between sessions. The committee shall monitor state government performance  
29 and accountability by reviewing state agency missions, goals, objectives, strategic plans, and  
30 performance measurement data. The committee shall assess the effectiveness of the  
31 government performance and accountability system. The committee shall report its findings

1 and recommendations along with any necessary legislation, to the legislative council. The  
2 legislative council shall provide staff services to assist the committee in performing its duties  
3 and responsibilities, including assisting in the development of a consistent format for agencies  
4 and departments to submit their biennial goals and objectives or strategic plans and  
5 performance measurement data, analyzing agencies' and departments' proposed performance  
6 measures prior to committee review, and summarizing performance measurement data for  
7 review by the committee or the legislative assembly.

8         **SECTION 5. Biennial goals - Performance measurement data.** Each executive  
9 branch agency and department, as identified by the office of management and budget, shall  
10 prepare proposed biennial goals and objectives and related performance measurement data for  
11 major programs of the agency or department for the next biennium. The performance  
12 measures proposed must provide the data necessary to assess the performance of major  
13 agency activities, including a program's efficiency and effectiveness; and provide a comparison,  
14 to the extent appropriate, to other states' performance measures. Each executive branch  
15 agency or department shall present its proposed biennial goals and objectives and related  
16 performance measurement data to the office of management and budget and the government  
17 performance and accountability committee upon request and shall make revisions as requested  
18 by the office of management and budget or the government performance and accountability  
19 committee. An elected official who objects to revisions made by the government performance  
20 and accountability committee may submit to the committee, in writing, the elected official's  
21 objections and the reasons for the objections and upon submission, may continue to use  
22 proposed performance measurement data until the next legislative assembly.

23         **SECTION 6. State agency strategic plans.** Within two years of approval by the  
24 legislative assembly or government performance and accountability committee of an agency's  
25 or department's performance measures, the agency or department shall establish and maintain  
26 a three-year to five-year strategic plan to guide its operations and activities. The strategic plan  
27 must include:

- 28         1. The mission, goals, and objectives of the agency.
- 29         2. Identification of the groups of people served by the agency and the results of any  
30         user group, public, or employee survey used to improve services.
- 31         3. The strategies and activities utilized to meet agency goals and objectives.

- 1           4. An analysis of the use of agency resources to provide agency services.
- 2           5. Estimated future service requirements and the resources that may be necessary to
- 3                 meet those requirements.
- 4           6. External factors affecting services of the agency.
- 5           7. The performance measurement data developed under this Act used to evaluate
- 6                 and assess the agency's performance.

7           **SECTION 7. State agency performance reports - State auditor reviews.** Each

8 executive branch agency and department shall prepare an annual performance report that

9 summarizes its goals and objectives, compares performance results to approved performance

10 targets, provides explanations of any major variances between performance results and targets,

11 presents multiyear trends in performance results, and, to the extent possible, provides

12 comparisons to other states' performance results and national benchmarks. The annual report

13 shall be available by September first of each year and be provided to the government

14 performance and accountability committee and to the appropriations committees of the

15 succeeding legislative assembly. The state auditor, as part of each executive branch agency's

16 biennial operational audit or review as required by section 54-10-01 shall review select agency

17 performance results.

18           **SECTION 8. Government performance - Incentive and review recommendations.**

19 The government performance and accountability committee may, based on an agency's or

20 department's performance results, recommend to the legislative assembly that an agency or

21 department receive an incentive or be subject to a review.

- 22           1. An incentive recommendation may include:
- 23                 a. Additional flexibility to transfer funds between line items of the agency's
- 24                         appropriation.
- 25                 b. Authorization to retain all or a portion of the agency's unspent appropriation
- 26                         authority at the end of a biennium.
- 27                 c. Additional funding for the agency that may be used for one-time purposes,
- 28                         including employee salary adjustments, employee training, technology
- 29                         improvements, or other productivity enhancements.
- 30           2. A review recommendation may include:
- 31                 a. More frequent reporting of agency performance results.

- 1           b. A state auditor performance audit of select agency programs.
- 2           c. An analysis of the structure of the agency or select programs of the agency.

3           **SECTION 9. Legislative and judicial branch participation.** The legislative branch  
4 and the judicial branch shall participate in the government performance and accountability  
5 system by providing to the government performance and accountability committee information  
6 on their missions, goals, objectives, services provided, strategies and activities, the use of  
7 agency resources, estimated future service and resource requirements, and external factors  
8 affecting services and performance measurement data as requested by the committee. The  
9 legislative branch and the judicial branch, as requested, shall assist the government  
10 performance and accountability committee to identify appropriate performance measures to  
11 assess their programs and, to the extent appropriate, provide a comparison to other states'  
12 performance measures.

13           **SECTION 10. AMENDMENT.** Section 54-44.1-06 of the North Dakota Century Code,  
14 as effective after June 30, 2005, is amended and reenacted as follows:

15           **54-44.1-06. (Effective after June 30, 2005) Preparation of the budget data -**

16 **Contents.** The director of the budget, through the office of the budget, shall prepare budget  
17 data which must contain and include the following:

- 18           1. Summary statements of the financial condition of the state, accompanied by the  
19           detailed schedules of assets and liabilities as the director of the budget determines  
20           desirable, which must include the following:
    - 21           a. Summary statements of fund balances and assets showing in detail for each  
22           fund the surplus or deficit at the beginning of each of the two fiscal years of  
23           the previous biennium and the first fiscal year of the present biennium, the  
24           actual revenue for those years, the total appropriations for the previous and  
25           present biennium, and the total expenditures for those fiscal years; and
    - 26           b. Similar summary statements of the estimated fund balances and assets for  
27           the current fiscal year and each of the fiscal years of the next biennium.
- 28           Summary statements may include a comparative consolidated balance sheet  
29           showing all the assets and liabilities of the state and the surplus or deficit, as the  
30           case may be, at the close of the first fiscal year of the current biennium.

- 1           2.   Statements of actual revenue for the previous biennium, the first year of the  
2                   present biennium, and the estimated revenue of the current fiscal year and of the  
3                   next biennium, and a statement of unappropriated surplus expected to have  
4                   accrued in the state treasury at the beginning of the next fiscal year. The  
5                   statement of unappropriated surplus for the general fund must reflect any projected  
6                   deficiency appropriations relating to expenditures from the general fund for the  
7                   present biennium. The statements of revenue and estimated revenue must be  
8                   classified by sources and by budget unit collecting them. Existing sources of  
9                   revenue must be analyzed as to their equity, productivity, and need for revision,  
10                  and any proposed new sources of revenue must be explained.
- 11          3.   Summary statements of expenditures of the previous biennium and first year of the  
12                  present biennium, itemized by budget units and classified as prescribed by the  
13                  director of the budget.
- 14          4.   Detailed comparative statements of expenditures and requests for appropriations  
15                  by funds, budget units and classification of expenditures, showing the expenditures  
16                  for the previous biennium, the first fiscal year of the present biennium, the budget  
17                  of the current biennium, and the governor's recommendation for appropriations for  
18                  each budget unit for the next biennium, all distributed according to the prescribed  
19                  classification of expenditures. Following the lists of actual and proposed  
20                  expenditures of each budget unit there must be a brief explanation of the functions  
21                  of the unit and comments on its policies and plans and on any considerable  
22                  differences among the amounts recommended, with any descriptive, quantitative,  
23                  comparative, and other data as to work done, unit costs, and like information as  
24                  may be considered necessary or desirable. For capital outlay expenditures  
25                  involving construction projects to be completed in two or more fiscal years, there  
26                  must be shown the total estimated cost of each such project and the amount  
27                  thereof recommended to be appropriated and expended in each ensuing fiscal  
28                  year until completion of the project. Capital outlay needs may be projected for at  
29                  least two years beyond the period covered by the budget.
- 30          5.   A detailed statement showing the estimate of all moneys required to be raised or  
31                  appropriated for the payment of interest upon the funded debt of the state and its

- 1 other obligations bearing interest, and the amount of money required to be  
2 contributed in the two next ensuing fiscal years to the general sinking funds  
3 maintained for the redemption and payment of the debts of the state.
- 4 6. A summary statement of the unappropriated fund balance estimated to be  
5 available at the beginning of the next biennium, and the estimated revenue of the  
6 next biennium, as compared with the total recommended amounts of appropriation  
7 for all classes of expenditures for the next biennium, and if the total of the  
8 recommended expenditures exceeds the total of the estimated resources,  
9 recommendations as to how the deficiency is to be met and estimates of any  
10 proposed additional revenue.
- 11 7. For those budget units involved in the government performance and accountability  
12 system and which submit budget estimates under section 54-44.1-04, statements  
13 summarizing each agency's or department's biennial goals and objectives or  
14 strategic plan and performance measurement data for recent years and the next  
15 biennium.
- 16 8. Drafts of a proposed general appropriations act and special appropriations acts  
17 embodying the budget data and recommendations of the governor for  
18 appropriations for the next biennium and drafts of such revenues and other acts  
19 recommended by the governor for putting into effect the proposed financial plan.  
20 The recommended general appropriation for each budget unit must be specified in  
21 a separate section of the general appropriations act.
- 22 ~~8.~~ 9. A list of every individual asset or service, excluding real estate, with a value of at  
23 least fifty thousand dollars and every group of assets and services comprising a  
24 single system with a combined value of at least fifty thousand dollars acquired  
25 through a capital or operating lease arrangement or debt financing arrangement by  
26 a state agency or institution. The list must include assets or services acquired in  
27 the current biennium and anticipated assets or services to be acquired in the next  
28 biennium.
- 29 ~~9.~~ 10. Any other information as the director of the budget determines desirable or as is  
30 required by law.

1           **SECTION 11. AMENDMENT.** Section 54-44.1-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **54-44.1-08. Budget report - Contents - When submitted to legislative assembly.**

4 The official budget report must be transmitted by the governor to all holdover legislators and  
5 legislators-elect not later than three days after the commencement of the session of the  
6 legislative assembly. Such report is not a third-class item under section 46-02-05. The budget  
7 director shall provide for the duplication or other satisfactory reproduction or printing of the  
8 official budget report, so as to ensure delivery of same as provided in this section. Such reports  
9 must contain the budget and revenue proposals recommended by the governor and the  
10 information required in subsections 1, 2, 3, 5, ~~and 6,~~ and 7 of section 54-44.1-06 and all other  
11 data and information as the governor shall decide. The budget director shall make available  
12 any and all information regarding budget data to the governor, the legislative assembly and its  
13 designees, legislators, and to the governor-elect as may be requested. The governor may  
14 present any additional budget information in any manner to the legislative assembly as the  
15 governor may desire.

16           **SECTION 12. Government performance and accountability system -**

17 **Implementation.** The office of management and budget, in developing a government  
18 performance and accountability system, shall assist executive branch agencies and  
19 departments to develop biennial goals and objectives, strategic plans, and performance  
20 measurement data to be presented to the government performance and accountability  
21 committee. The office of management and budget shall arrange for select state agencies and  
22 departments to implement the system during the 2005-07 biennium and the remainder of the  
23 agencies and departments during the 2007-09 biennium.

24           **SECTION 13. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET.**

25 There is appropriated out of any moneys in the general fund in the state treasury, not otherwise  
26 appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the office of  
27 management and budget for the purpose of administering provisions of this Act, for the  
28 biennium beginning July 1, 2005, and ending June 30, 2007.

29           **SECTION 14. APPROPRIATION - STATE AUDITOR.** There is appropriated out of any  
30 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of  
31 \$89,668, or so much of the sum as may be necessary, to the state auditor for the purpose of



1 administering provisions of this Act, for the biennium beginning July 1, 2005, and ending  
2 June 30, 2007.

3 **SECTION 15. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated  
4 out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum  
5 of \$115,191, or so much of the sum as may be necessary, to the legislative council for the  
6 purpose of administering provisions of this Act, for the biennium beginning July 1, 2005, and  
7 ending June 30, 2007.