

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2002

H.P. 1438

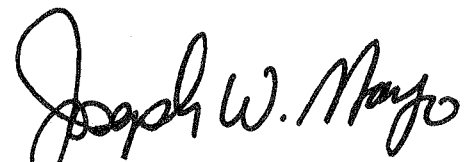
House of Representatives, January 14, 1998

An Act to Delay the Implementation of Performance Budgeting for State Government.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative OTT of York.

Cosponsored by Representatives: KERR of Old Orchard Beach, KNEELAND of Easton, KONTOS of Windham, MARVIN of Cape Elizabeth, Senator: MICHAUD of Penobscot.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, Public Law 1995, chapter 705 and Public Law 1997,
6 chapter 184 required the implementation of performance budgeting
in State Government; and

8 Whereas, this bill delays the implementation to allow the
10 departments and agencies of State Government to further refine
their strategic plans and to solicit additional input from the
12 Legislature; and

14 Whereas, several of the deadlines that are extended would
occur prior to the expiration of the 90-day period; and

16 Whereas, in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 5 MRSA §1710-K, sub-§1, ¶D,** as enacted by PL 1995, c.
26 705, §1, is amended to read:

28 D. "Policy area" means a broad functional category into
which executive departments, state agencies, organizations,
30 corporations, associations or programs and subprograms are
grouped according to the degree to which they share the same
32 or similar goals; encompass activities that share a common
purpose; have common or similar customers; have common or
34 similar measurable objectives; and may be analyzed by
similar methods as defined by the ~~State Budget Officer~~ and
36 the Legislative Council or the council's designee.

38 **Sec. 2. 5 MRSA §1710-M, sub-§4-A** is enacted to read:

40 ~~4-A. Auditing. No later than January 15, 1999, recommend~~
the most cost-effective method for State Government to annually
42 validate measurable objectives and conduct audits of the
performance budgets for the most recent fiscal year.

44 **Sec. 3. 5 MRSA §1710-M, sub-§5,** as enacted by PL 1995, c. 395,
46 Pt. B, §1, is amended to read:

48 **5. Report.** Report periodically to the Legislature and the
Governor on recommendations for improvements in performance
50 budgeting in State Government. The commission may also submit
legislation to the Legislature.

2 **Sec. 4. 5 MRSA §1710-P, sub-§5**, as amended by PL 1997, c. 184,
3 §9, is further amended to read:

4
5 **5. Development of policy areas.** By December 31, 1997 1999,
6 ~~the--State--Budget--Officer--and~~ the Legislative Council or the
7 council's designee, in consultation with state agencies, shall
8 group all state agencies into policy areas, which must be formed
9 around common goals and measurable objectives. Any grouping that
10 proposes to transfer or modify the existing statutory mission or
11 mandate of an agency must be submitted to and approved by the
12 Legislature prior to implementation.

13 **Sec. 5. 5 MRSA §1710-P, sub-§6**, as enacted by PL 1995, c. 705,
14 §2, is amended to read:

15
16 **6. Development of joint strategic plans.** By June 30, 1998
17 2000, state agencies within each policy area shall develop joint
18 strategic plans that identify common goals, measurable objectives
19 and strategies for all programs. Plans must be submitted to the
20 Director of the State Planning Office. The Director of the
21 State Planning Office shall provide copies to the joint standing
22 committees of the Legislature having jurisdiction over the
23 matters encompassed by each policy area for their review and
24 comment.

25
26 **Sec. 6. 5 MRSA §1710-P, sub-§7**, as amended by PL 1997, c. 184,
27 §9, is further amended to read:

28
29 **7. Development of joint budget proposals.** By September 1,
30 1998 2002, state agencies within each policy area shall develop
31 budget proposals that are tied to their joint measurable
32 objectives in their strategic plan.

33
34 **Sec. 7. 5 MRSA §1710-Q**, as enacted by PL 1995, c. 705, §2, is
35 amended to read:

36
37 **§1710-Q. Repeal**

38
39 This chapter is repealed July 1, ~~2003~~ 2007.

40
41 **Sec. 8. Appropriations and allocations; report.** No later than
42 January 5, 1999, the State Budget Officer shall submit a
43 recommendation to the Legislature and the Governor concerning the
44 level at which resources should be appropriated or allocated
45 beginning in the 2004-2005 biennium.

46
47 **Sec. 9. Retroactivity.** That section of this Act that amends the
48 Maine Revised Statutes, Title 5, section 1710-P, subsection 5
49 applies retroactively to December 31, 1997.

2 **Emergency clause.** In view of the emergency cited in the
4 preamble, this Act takes effect when approved.

6
8 **SUMMARY**

10 This bill delays the strategic planning and performance
12 budgeting initiative as enacted by Public Law 1995, chapter 705
14 and Public Law 1997, chapter 184. The delay would allow the
16 departments and agencies of State Government to further refine
18 their strategic plans and to solicit additional input from the
Legislature. Development of policy areas and development of
joint strategic plans would be delayed for 2 years. The
establishment of policy areas would be the responsibility of the
Legislature. Full implementation of performance budgeting would
be delayed 4 years to coincide with the 2004-2005 biennium.

20 This bill requires the Commission on Performance Budgeting
22 to recommend the most cost-effective method to validate
24 measurable objectives and to audit the completed performance
budget. The commission would also be authorized to submit
legislation as necessary.

26 Finally, this bill requires the State Budget Officer to
28 submit a recommendation to the Legislature and the Governor
concerning the specific level at which resources would be
appropriated or allocated in the performance budget milieu.