Chair’s Corner
Martha Carter (Nebraska)

Although many of us wondered if the 2005 Session would ever end, the Nebraska Legislature adjourned sine die on June 2nd. One could not say that the Nebraska Legislature did not have its moments of drama this Session: it adopted a resolution calling on a University of Nebraska Regent to resign due to a campaign finance law violation (he declined); a state Senator facing term limits next year announced her resignation to take a job in the private sector but on the last day of Session took it back (much to the dismay of the Governor’s announced appointee); and Husker football coaching legend, Republican Congressman Tom Osborne, announced that he will run for Governor, throwing gubernatorial candidates (announced Republicans and yet-to-brave-the-waters Democrats alike) into a tailspin. But for our office, the biggest news was the addition of two more auditors to our staff—bringing us to our all-time high of six. (Watch out OPPAGA, we’re gaining on you….)

My year as NLPES chair is winding down too, and at the August annual meeting in Seattle, we’ll welcome Wade Melton (FL) as our new chair. It’s been a pleasure working with Wade as Vice Chair this year, and I know he’ll be a great leader for us.

Our fall training conference will follow the annual meeting. Executive Committee member Phil Durgin and his staff are putting together a great program for the conference, which will be held in Harrisburg, PA, from September 28 to October 1.

There’s a lot to be gained from attending the training conference or the annual meeting, but not everyone has the opportunity to do so. In my tenure on the Executive Committee, we’ve had a perennial concern about how to provide more training options to our members who can’t make it to these meetings. Financial and technological limitations have so far prohibited some ideas—like sponsoring regional meetings—but we continue to explore other possibilities. If you have ideas about ways NLPES could provide more to you or your staff, I encourage you to share your thoughts with me or another member of the committee.

In closing, I’d like to thank you for the opportunity to serve as Chair this year and thank the members of the Executive Committee who have worked hard to maintain the high quality of NLPES’s activities this year. I know you’ll join me in wishing Wade and the rest of the committee a good year too!

DATES TO REMEMBER

Legislative Staff Management Institute: July 23-30
Sacramento, California

NCSL Annual Meeting: August 16-20
Seattle, Washington

NLPES Fall Training: September 28-October 1
Harrisburg, Pennsylvania

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NCSL Annual Meeting Provides Learning Opportunities

Bill Gates will open NCSL’s 2005 *Strong States Strong Nation* Annual Meeting in Seattle, Washington on August 17, 2005. This year’s meeting will offer the largest gathering of lawmakers, legislative staff and other policy experts to be found in the country. With over 150 sessions, social events and cruises to Alaska, this year’s Annual Meeting promises to be one of the best on record.

Members of the National Legislative Program Evaluation Society (NLPES) will also have several training sessions from which to select. Sessions include: "How Agencies Deal with Auditors," "Auditing and Legal Issues," "Auditing the Election System," "A View of No Child Left Behind," and "Performance Measurement Systems." All ten NCSL staff sections will co-sponsor a session focusing on strengthening skills and techniques needed to work more effectively in service to legislative institutions. The session will deal with communication techniques as well as methods to reduce stress in the legislative workplace. Attendees will also be able to attend a GASB session, the NLPES Luncheon and Awards presentation and the Dutch-treat NLPES dinner. CPE credits will also be available.

For additional information, please contact Bob Boerner, NLPES Staff Liaison, NCSL, at (303) 364-7700 or by e-mail at Bob.Boerner@ncsl.org.

Certification of New NLPES Executive Committee Members

The NLPES Executive Committee recently certified the following six nominees to begin their two-year terms on the NLPES Executive Committee starting at the NCSL Annual Meeting to be held in August 2005 in Seattle, Washington: Trish Bishop (Virginia), Steve Hendrickson (California), Joe Lawhon (Kansas), Ken Levine (Texas), Leslie McGuire (Georgia), and Jan Yamane (Hawaii). Steve, Joe, Ken and Jan have each served on the Executive Committee during 2004-2005, and their willingness to lend their experience to the Committee’s work for another two-year term benefits the entire NLPES membership. Trish and Leslie will be serving on the Executive Committee for the first time.

The continuing members of the NLPES Executive Committee in 2005-2006 are: Priscilla Anderson (South Carolina), Martha Carter (Nebraska), Wade Melton (Florida), Rakesh Mohan (Idaho), Tim Osterstock (Utah), and Gerry Schwandt (Michigan).

Improving the Quality of Legislative Assistance

*Ava Welborn (Mississippi Legislative PEER Committee)*

The mission of Mississippi’s Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and its staff is to provide timely, reliable information to the Legislature. As you are made aware daily, the provision of information and analysis in the legislative process becomes increasingly important as the complexity of government grows.

**Assisting Mississippi’s Legislators**

Mississippi has no partisan legislative staff and a very small number of legislative staff assigned to research. Therefore, in addition to conducting performance evaluations and expenditure reviews (published as formal reports and distributed to the full Legislature and the public)—the product for which we are the best known—the PEER staff provides short-term legislative assistance upon request. These requests do not require a formal vote of the PEER Committee; resulting work products are confidential and are distributed only to the requesting legislator.

These assignments range from simple information and data requests to more complex direct assistance on behalf of committees or subcommittees. Types of deliverables range from memoranda to briefings to staff reports issued in installments over a period of weeks or months. At PEER, we usually provide information in written form; thus, most of the suggestions in this article pertain to that
type of product. PEER has averaged 238 legislative assistance requests and seventy-seven background investigations (of executive appointees subject to Senate confirmation) per year during the last three years.

Who Else is Doing This Type of Work?

From an informal survey of NLPES Executive Committee members, we found that at least a few of our counterparts in other states provide this service. Idaho’s Office of Performance Evaluations conducts “24-hour reviews,” or reviews of agency/program issues taking three business days or less, as well as short-term reviews that address legal requirements, funding, and state compliance with federal mandates. Wisconsin’s Legislative Audit Bureau provides letters of information to legislators on narrow topics. The Texas Sunset Advisory Commission prepares fiscal note responses for all sunset bills and researches requests on agencies under sunset review. Utah’s Office of the Legislative Auditor General prepares letter reports or special projects to address small auditable concerns and provides summary information to the requestors. (The Utah office notes that this portion of its workload has recently increased.) Florida’s OPPAGA also has been doing legislative assistance assignments more frequently over the last several years, responding to more than fifty such requests last year.

How Can We Do It Better?

For those agencies that do perform legislative assistance, a key issue is how to improve the quality of that assistance. At PEER, this type of work, especially during the annual legislative session, often must have a quick turnaround and takes place in a politically charged environment. Portions of our work products often find their way into bills or are used as support for committee or floor debate and have become some of our most valuable contributions to the legislative process. We have found that two keys to providing quality legislative assistance are: 1) adding value to the information we provide; and, 2) knowing how to assist the busy legislator.

Add Value to the Information

When preparing legislative assistance memos, staffers should ask: What can we do for legislators that they cannot do for themselves? Our function is more than just providing information reproduced from the Internet or making a phone call to a state agency. We should try to anticipate the legislator’s concerns and questions that might arise from the information that we give, always considering current events, hot issues, and the political environment. Legislators will always be interested in local impact, cost (how much and who pays), groups that support or oppose, and what other state/counties/cities are doing. We should gauge the requesting legislator’s interests, district demographics, and level of knowledge about the topic and then target the product accordingly. A seasoned committee chair will have dramatically different needs from the freshman lawmaker.

Know How to Assist the Busy Legislator

Lawmakers are continually bombarded by constituents, political factors, the media, and special interests in the vortex that constitutes the legislative environment. Information and time are both the legislator’s best friends and worst enemies. Too much information (“data dump”) or information provided too late is of little worth to individuals involved in the legislative process.

To provide products that are the most valuable to the busy legislator, we suggest the following:

• Focus your document on targeted delivery of the requested information. As simple as this might sound, it is easy to get caught up in all of the information you know that the legislator doesn’t necessarily need to know. Give only the amount of information necessary to understand the message. Extraneous information “muddies the water”—you can always provide additional information if requested.

Because of the vortex, you might need to remind the legislator of what he or she requested. To jog the memory, restate the request at the beginning of your memo or report. If the question was lengthy, complicated, or had several components,
break these down separately and restate. Deliver the message immediately and clearly. Unless the document is very brief, state the “bottom line” within the first couple of paragraphs.

Use precise language to convey your message. Make sure you know what you want to say and then don’t leave any doubt about what you’re saying. Every word counts—as well as every connotation or implication. Someone could draft a portion of your product verbatim into a bill or quote it in a newspaper article.

• **Be sensitive to time.** Make sure your product reaches its audience in a timely manner. Pay special attention to the legislative calendar, including deadlines and critical committee meetings. Take legislators’ personal schedules into account. Bring as much intellectual effort into the assignment as is possible in the amount of time available.

### The Devil in the Details

It goes without saying that as professionals, we should assure that any work product that goes out of our doors is accurate, mechanically sound, and thoroughly defensible. Regardless of quick turnaround demands, legislators must be able to count on the quality of our work. If the “insignificant” details are not correct, they could question the content of our message.

### Conclusion

Assisting with the legislative process is a challenging and rewarding field of endeavor. The burden is immense—get the information right on the first take, because it very likely will be used in crafting state policy. When providing legislative assistance, one can realize the immediate impact of one’s work.

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### Tips on Making Your Documents More Useful to Legislators

- Use headings, subheadings, bullets, and bold print to help navigate the document.
- Use active voice. Active voice is more direct, powerful, places accountability, and reduces the possibility of misinterpretation.
- Number the pages of multi-page documents.
- Number exhibits or attachments in the order in which they appear in the text.
- Refer to exhibits, attachments, or subsequent sections by both the title and the page number.

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### NCSL Carries the ‘Voice of Good Governance’ to North Africa and Lebanon

**Emilie Leroux (Texas Sunset Advisory Commission)**

Few of us may be aware that NCSL (through its staff sections, such as NLPES) extends its technical knowledge and assistance to legislators and parliamentary staff internationally. I, for one, realized this when I was asked to participate in a weeklong legislative workshop in Algeria along with three other staff from California, New Jersey, and Minnesota. We were selected to share our legislative research and analytical skills with our North African and Lebanese counterparts. The workshop, part of an 18-month project funded by the U.S. Department of State to refine technical skills and promote democratic development, gathered thirty-three participants from Algeria, Morocco, Tunisia, and Lebanon in Algiers, Algeria during the week of April 18, 2005.

The training, conducted in French, took the form of panel discussions, plenary sessions, small group discussions, interactive exercises, and Q&As, and ended daily with summary discussions and evaluations to assess lessons learned. The numerous social occasions that complemented this intensive program gave participants additional opportunities to build rapport, exchange information, and ask questions. Distinguished speakers such as Richard Erdman, the U.S. ambassador to Algeria, and Marc Destanne de Bernis, the United Nations Development Program (UNDP) country representative,
furthered the productivity of these functions by delivering engaging and encouraging speeches.

DAY 1
The Assemblée Populaire Nationale (APN), the Algerian Lower House, kicked off program activities with a grand welcome ceremony that included the American, Moroccan and Tunisian ambassadors; UNDP representatives; members of the Algerian parliament; and the media. In his opening speech, Mr. Amar Saadani, Speaker of the APN, stressed the importance of solidifying the research capacity of the APN to strengthen democracy in Algeria, and of continuing to establish good relations with participating countries. The day's activities proceeded after a reception to the APN's annex with a plenary session that introduced the U.S. federal system of government to the participating countries, which was followed by an exchange on the diverse parliamentary structures and research capacities of each country. During the plenary lunch, Ambassador Erdman captured the underlying theme of the workshop when affirming that good legislative research leads to good laws, and good laws lead to good governance, which in turn guarantees democracy. This statement became the workshop's unofficial motto, and "the voice of good governance" soon echoed in the headlines of the local French and Arabic printed press.

DAY 2
The second day's session opened with a U.S. staff presentation on the structures of the four represented state legislatures, followed by plenary panel discussions on the role of research in the U.S. legislative process, obstacles and opportunities in research, and relations between members and staff. These plenary sessions were preceded by questions and answers and small group discussions, during which it became apparent that despite their varied structures, parliaments in the region face commonly shared difficulties in their ability to thoroughly analyze bills and "projets de lois" (bills that originate from the executive branch and need legislative approval) due to a lack of adequate research capacity.

DAY 3
The morning's panel discussion focused on research tools and techniques that emphasized how to take an information request and confirm the information; how to answer a research question; and how to oversee the quality of the research product. U.S. staff followed this session by facilitating an interactive exercise during which participants took part in small group discussions to answer a research question that allowed them to apply tools and techniques previously learned. In the afternoon, participants rotated among four group discussions facilitated by U.S. staff, each reflecting on a different aspect of legislative research. This more intimate setting allowed participants to ask questions and exchange more information among themselves.

DAY 4
U.S. staff began morning activities with a plenary discussion on legislative analysis followed by the second part of the interactive exercise, during which small groups performed the analysis needed to respond to the previous day's research question. In the afternoon, plenary panel discussions focused on the role of legislative research to oversee the executive branch, and ethics and confidentiality requirements of U.S. research staff in Texas and Minnesota. Participants showed great interest in the state legislatures' means to hold executive agencies accountable, especially through the model of the Texas Sunset process. (See: www.sunset.state.tx.us for more information.)

DAY 5
The last day of the workshop gave an opportunity for participants to clarify any remaining questions, evaluate the workshop, and summarize lessons learned. In the evening, NCSL and U.S. legislative staff briefed Ambassador Erdman in his fortified embassy compound on the preliminary yet overwhelmingly positive feedback.

DAYS 6 & 7
During the remaining two days of the trip, participants had the opportunity to visit Oran, Algeria's second largest city, where we were welcomed by the Wally, or the equivalent to a regional governor, and by the city's mayor. After a reception at the Town Hall, delegations visited numerous landmarks and convened in the evening for a lavish meshwey hosted by the Wally that included the serving of seven whole sheep inside a sumptuous traditional Algerian tent accompanied by a live orchestra.

Throughout the length of our stay, the Algerian government gave us a warm welcome and distinguished treatment, providing us with security personnel and decorum worthy of high-ranking dignitaries. Motorcades surrounded all of our displacements and red carpets were to be taken literally. Although we tried our best to keep the setting and format of the workshop informal to facilitate dialogue, it was a grandiose experience on a personal and professional level. The conviviality that formed among participants was one of the greatest strengths, as we learned about each other not only professionally, but also connected on a more personal level and started establishing a valuable network of contacts via
which we can further the program's goals. Impressive as well was the willingness of participants to share information, and be open to new legislative approaches. Clearly, hearing the American way of doing things was a breath of fresh air and generated much enthusiasm. As facilitators, this experience equally enriched us by teaching us a great deal about other states' legislatures, their research structures and methods, and by enabling us to forge beneficial relationships with colleagues in other states and abroad. Equally important, we were reminded that there is no one-size-fits-all approach to democracy, as each country and even state faces different, yet undeniable, realities that have helped shape their current form of government. Whether it be Lebanon with its institutionalized sectarian representation set out under the 1989 Ta'if Accord ending a 16-year civil war, or Algeria which recently emerged from years of internal strife and continues to fight pockets of extremist insurgents, the key, perhaps, is to keep that willingness to continually, albeit perhaps gradually, work toward a set of practical steps that can bring countries closer to universal democratic goals within their own parameters. Certainly, participants demonstrated that spirit by embracing new methods of providing greater governmental checks and balances through their respective legislative branches.

More exchanges between the U.S. and participating countries are still to come starting with in-country seminars in Morocco, Algeria, Tunisia, and Lebanon in July, followed by a visit to the U.S. in the fall. To view pictures of the workshop, go to: www.ncslworkshop.photosite.com. (The use of these pictures is restricted; please contact NCSL for permission to use them.) To learn more about NCSL's international programs and upcoming seminars, visit: http://www.ncsl.org/public/internat/, or contact Jeremy Meadows, Program Director, at: jeremy.meadows@ncsl.org.

The Adventures of Aldric of York: Medieval Auditor

In the fall of the year 1156, near the end of his first year of apprenticeship, Aldric received a commission from his master stating “Thou shalt investigate the Royal Board of Barbers and Physicians to determine if the entrance requirements established by this Guild prevent incompetent persons from practicing the arcane arts, yet are not unduly restrictive.”

Aldric arrived at the Guild headquarters in early April, just as the robins began to fill the air with music, flowers filled the hills with color, and apple blossoms filled the air with sweet perfume. The entrance conference with Will Fraudus, the Guild master, began uneventfully. However, they were interrupted at mid-point by a young woman who brought in documents for Master Fraudus to sign. Aldric’s heart leapt as he met the Lady Diedra, the Master’s niece. The rest of the meeting was but a blur.

In the following weeks, Aldric spent the days examining Guild records, but the lunchtime and evening hours in the company of the fair Diedra. He plied her with many heartfelt statements of his affection; “Thou are the criteria against which beauty should’st be measured,” “Thy voice sings like a ledger in balance,” and “My love for thee would pass any test of peer review.” The Lady Diedra stated that she was fond of Aldric also.

Meanwhile, Aldric’s review of the Guild entrance requirements proceeded apace. He found that many of the questions posed to initiates were reasonable: “In what direction does’t thou face, and how many times should’st thou twirl a dead cat around thy head to cure warts?” “On what side should thou part the hair of a knight who has lost his right ear in battle?” and “How many times shalt thou dunk in water a man complaining of chills to drive away the spirits?” However, other entrance questions seemed to have little relevance to gauging a person’s medical knowledge. Aldric noted such questions as: “In what year was the Guild brewery founded?” “Transcribe the song ‘Auld Land Syne’ into Celtic.” and “Demonstrate the methods used to deposit funds into the Guild Master’s bank account.” Aldric determined that such requirements were in fact unduly
restrictive and should be abolished. He also concluded that a separate entity should be charged with reviewing the entrance questions to ensure that this test was not self-serving to the Guild.

When the fated day came, Aldric presented his preliminary and tentative findings to the Guild for its comment. Master Fraudus was not receptive to the report. “Ungainly cur,” he roared. “What competence has’t thou to judge our Guild’s standards? Nay, unless thou art a physician thyself, thou has’t no standing to assess our acts.” Aldric’s attempts to explain his rationale were summarily rejected by the Guild masters.

Alas, at his lunchtime meeting with Lady Diedra, he was also similarly met with stony silence. “Fairest Diedra, pray tell me what troubles thy mind,” Aldric pleaded. “How could’st thou say such things about my uncle,” Diedra cried, “I thought thou cared for me.” “Truly I do,” pleaded Aldric, “but I am pledged to report the truth.” “Then I care not for thee,” Diedra cried, “Begone, and trouble me no more.”

When Aldric reported this tragic chain of events to his wise master, he received his third shock of the day. “Alas, while sympathetic to thy plight am I, thou must be removed from this project,” stated the master. “Thy love for Diedra wil’l be seen as a violation of the standard of independence on this evaluation.” The wise master then further explained the dangers of courting auditees. Aldric retired to his cold and lonely cell to drown his sorrows in a cask of ale, resolved to commit this error no more.

**State Profile**

**Mississippi Joint Legislative Performance Evaluation and Expenditure Review (PEER) Committee**

**Year Established** The Mississippi Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) was established by statute on March 19, 1973.

**Governing Body** Seven senators and seven representatives appointed by the Lieutenant Governor and the Speaker of the House, respectively.

**Staff** 27 hard working souls from diverse backgrounds who can, in the profound words of Larry the Cable Guy, "get ‘er done!"

**Work Products** Over its 32 year history, PEER has issued 477 formal reports, has produced 5,026 assistance memos and fiscal notes, has conducted 1,730 background checks on gubernatorial and other appointments, and has answered untold thousands of hallway questions (but we don’t do windows).

**Why We Work for PEER** We’re just in it for the money. (If you’re not doubled over laughing now, you obviously have a problem recognizing irony.)

**Why We Really Work for PEER** It’s important work done in support of an important principle of representative democracy – an effective representative body must be well informed. We take pride in helping to make that happen.

**Phrase Often Heard from Legislators** “I know you’re busy and it’s five minutes ‘til five, but…”

**Refrain Often Heard from Executive Director** “Oh, yes, no problem, we can do that.” (He really needs some training in just saying ‘no’. Maybe we could send him off somewhere for counseling… just a thought.)

**Phrase Most Likely to Cause Nightmares** “You’ve done a good job, but…”

**Phrase Most Likely to Cause Ulcers** “Don’t you just push a button to get that?”

**Lament Most Often Heard from Staff** “You want it when?!”

**Strangest Question Ever Posed to Staff** “To help solve our overcrowding problem, would it be possible to send some of our state prisoners to NAFTA countries?”

**Strangest Answer Ever Given by Staff** “Yes, it is currently illegal for midgets to use crossbows during primitive weapon and longbow season, but we could draft
you some legislation.” (Some would say the question leading to this answer should, in fact, be the strangest question, but that would be splitting hairs.)

Our Trash Cans are Better Than Your Trash Cans  A legislator complained that a local government had paid $650 each for outdoor trash cans when outfitting its new facility. The legislator was incorrect; PEER found that the 26” X 50” trash cans had not cost $650 each, but $949 each.

Best Compliment from a Newspaper Columnist  "Of all the agencies of state government, PEER is the one which, for sure, gives the people their money's worth."

Best Party at State Expense  PEER once found that an agency had reimbursed over $10,000 in expenses to a state contractor for golf shirts, caps, food, and two kegs of beer for 125 guests (over $85 a head). The party was for employees of the agency and the contractor. (Maybe if they had sent out invitations…? No, that would be wrong…)

Best Incoming Phone Call  "I'm doing a research report and would like to request some information on peer pressure. . ."

Phrase Most Welcomed by Staff  "By a quorum vote of the Committee, the report is approved for release."

Phrase Most Dreaded by Staff  "The editor wants to see you."

Best Things About Our Office Building  It has plenty of light and a state of the art HVAC system.

Worst Things About Our Office Building  To control energy costs, we have to keep half the lights off and the thermostats to the HVAC are off limits.

Argument That's Getting Harder to Defend  "Sure you could make more in the private sector, but the benefits…”

Staff's Favorite Song  “Workin' in a Coal Mine” as performed by Lee Dorsey (just kidding… it’s really “Sixteen Tons” as performed by Tennessee Ernie Ford)

Official PEER Poem  “The Charge of the Light Brigade” by Alfred Lord Tennyson

Most Honest Comment at an Entrance Conference  “Look, I know you’re not glad to be here and you’re certainly not here to help, so just cut to the chase.”

Most Honest Comment at an Exit Conference  “All I want to do is finish and get the hell out of here.”

Most Chilling Agency Comment at an Exit Conference  “What a relief! You didn’t find half of what I thought you would…”

Most Disconcerting Evaluation Experience  Being locked in the gas chamber at the state prison. (They were just joking around… we don't even think there was cyanide in the canister.)

Most Unusual Evaluation Finding  When reviewing meal receipts, finding that someone had requisitioned the time of day printed on the receipt rather than the amount of the meal – and got paid for it. ($12.15 to be exact.)

Most Frequent Wrong Number Call Received by PEER  The State Department of Mental Health  (... or maybe these people are trying to tell us something…)

Most Pervasive Staff Delusion  That there will actually be a time when we can take a vacation without the need to feel a little guilty about work left undone.

Best Answer to the Question “What does PEER do?”  “We answer complex questions in ten words or maybe less.” (count ‘em)

Best Thing About Working for PEER  The never-ending battle for truth, justice, and the American way.

Worst Thing About Working for PEER  Trying to keep the cape out of your eyes while leaping tall buildings. (A couple of people don’t like stopping the powerful locomotives, but we’re pretty sure it’s just a Freudian thing.)

Most Difficult Task in Working with People Outside the State  We used this category the last time we did a Mississippi Profile. At that time we stated that overcoming regional and cultural stereotypes was a major problem and cited as evidence the fact that, contrary to popular belief, less than 50% of the PEER staff actually served ‘possum an’ ‘taters for supper more than once a month. When last surveyed, that figure had dropped to an absolutely cosmopolitan 40%. Such data obviously does not support the bucolic stereotypes with which we have so long been associated.

PEER Motto  We’re currently looking for one… Larry the Cable Guy stole ours!

We love our work. We love our legislature. And we love being a part of the legislative program evaluation community of this great country. Ya’ll come see us.
The conference will include plenary sessions on the following topics:

2. The Challenge of Rising Health Care Costs for States
3. Applied Research and Methods at the GAO

Program content is designed to emphasize some of these major topical areas:

**Keys to Making a Difference**
- Use of Reports in the Legislative Process
- Projects Resulting in Substantial Public Savings
- How to (and Not to) Privatize and Consolidate

**Key Building Blocks**
- Evaluation Standards for Meaningful, Accurate, Objective Analysis and Reporting
- Assuring “Good” Data for Decision Making

**Key Contemporary Issues**
- Assessing Performance of Lottery and Gaming Programs
- Lessons Learned From State Medicaid Demonstrations
- Evaluation After 9-11

For more information about the conference, contact Philip Durgin at pdurgin@lbfc.legis.state.pa.us

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Surveying Other States

Meredith Whitten (Texas Sunset Advisory Commission)

What’s the difference between New Jersey and Kansas? If you’re a legislative staff member conducting program evaluations or performance audits, the answer depends on what information you are looking for.

One of the most helpful tools when evaluating or auditing a program, policy, or agency operation is conducting other state research. State governments frequently tackle similar issues, so studying how other states organize a program, implement a policy, or structure an agency can serve as a valuable guide and provide additional views as you conduct your evaluation. However, before comparing your state to the 49 others, consider the following tips to help you conduct your research more efficiently and make your results more meaningful.

Decide what you want to know

The more specific your question, the more likely you are to gather meaningful data. Also, don’t just conduct research to see IF other states perform an activity, but also HOW and WHY they perform it. For example, when studying the state’s role in economic development activities, staff of the Texas Sunset Advisory Commission compared Texas’ efforts with those of other states, asking not just if a state’s government plays a role in economic development, but also how the other state structures its involvement in economic development activities. Staff found that states with strong economic development agencies or functions tied these functions directly to the Governor’s Office, ultimately leading to restructuring the Texas Department of Economic Development within the Texas Governor’s Office.

Determine which states you want to compare with yours

You don’t need to contact all 50 states for every issue, especially if all you need is to show a trend and compare your state to that trend. Usually, comparing your state with five to 10 others will paint a fairly accurate picture of how your state matches up, as long as you have some fair and objective rationale for why you chose those 10. Pick states that neighbor or are near yours or that have a comparable population or other characteristic worth considering. For example, when evaluating statewide funding formulas for transportation, some states compare more naturally with others. Is your state along the Canada or Mexico border and therefore affected greatly by NAFTA? Is your state largely rural? Do the citizens of your state rely greatly on public transportation systems? Just don’t use states that you know will help you make your point.

Note that, at times, looking at all 50 states can provide valuable information. For example, if you are evaluating whether your state should license underwater basket weavers and you learn that your state is the only state that doesn’t regulate this profession, your other state research has yielded some very valuable information.

Don’t reinvent the wheel

Often, a program, issue, or agency you are evaluating has been previously reviewed in some manner by others. Reports by federal and state agencies, national associations (such as NCSL), consumer advocacy groups, and private consulting firms can be incredibly beneficial during your research. Consider the source, and avoid blindly accepting these prepared evaluations. They can, however, provide a head start on your current task, as well as knowledge about the history of the program, including any past problems and recommended solutions. Ask agency or program staff if they have conducted any comparisons with other states or if they are familiar with other states’ comparisons that have been compiled.

Use the Web

From state statutes and agency policies to previous evaluations and audits to an abundance of statistics, a wealth of information is just a click away. Other states’ Internet pages can help you understand their specific practices and sites for federal agencies, national associations, consumer groups, and other information clearinghouses can help you find other states’ work that has already been done.

Pick up the phone

Online research will never replace talking to someone knowledgeable about the issue or program you are evaluating. Once you identify some comparable states and conduct initial research, phone staff in the other states to fill in details, give answers you couldn’t find online, and provide anecdotes. The kind of real-world examples and practical information gleaned from these conversations provided needed context to complete your other states analysis.
Expect the unexpected

Conduct your research with an open mind. As noted above, don’t just research states that you know will back up your point. Along those lines, be prepared to find information you didn’t expect. For example, when Sunset staff began the review of the Texas Medical Board, stakeholders frequently mentioned medical peer review. After researching other state medical boards’ role in medical peer review, staff found no other state medical boards that were legislatively directed to use peer review actions in the same manner as Texas’ board. Given the amount of debate – both nationally and at the state level – regarding peer review, staff was surprised to learn this information. In some cases, the absence of comparable data can be a significant finding.

One size does not fit all

Remember, there IS a difference between New Jersey and Kansas. Just because something works in one state, or even most states, does not mean it’s the right fit for your state. In the medical peer review example above, Sunset staff found that, although Texas differed from other states, no reason existed to recommend bringing the state in line with others. Myriad factors affect a state government’s reason for implementing a particular law or policy. Also, consider that your state may be on the cutting edge of an issue, and therefore few other states will have the same experience as yours. Researching other states’ efforts will provide you an array of factors to consider when evaluating an issue, program, or agency and will help you form your recommendations. Ultimately, however, your decision has to be the right fit for your state.

Office Happenings

Florida

The Florida Legislature appointed Gary VanLandingham as OPPAGA’s new Director effective April 2005. Gary has served as the interim director since July 2003 following the retirement of John Turcotte. Congratulations, Gary! Kathy McGuire was selected by Gary to serve as Deputy Director. Other key appointments include Kara Collins-Gomez to serve as the staff director for the general government operations policy area and Marti Harkness to serve as the staff director for the criminal justice practice area.

Mississippi

PEER evaluator Karen Land and her husband, David, welcome Ryan Matthew to their family. Ryan was born on May 31.

South Carolina

The South Carolina Legislative Audit Council celebrated its 30th anniversary in May. George Schroeder has been director of the Council since its creation.

Marcia Lindsay, Senior Auditor with the Legislative Audit Council, was elected to the executive board of the South Carolina Society of Certified Public Managers, a professional association of public sector managers. Marcia will also chair the organization’s membership committee.

The Council hired Bunnie Lempesis as an Assistant Auditor. Bunnie is a graduate of Harvard University and the University of Southern California. She previously worked as a public sector consultant and with the U. S. General Accountability Office.

Washington

The sands are shifting at the Washington Joint Legislative Audit and Review Committee (JLARC). The most recent permanent Legislative Auditor at JLARC, Cindi Yates, left early this spring to take a position as the Secretary of the Washington State’s Department of Revenue. The Committee decided to hire an interim Legislative Auditor to take Cindi’s place while conducting a national search for a permanent Legislative Auditor. (The recruiting deadline is July 8.) Ann Daley, Interim Legislative Auditor, has worked in and around Washington state government for more than twenty years and brings a wealth of knowledge and leadership to her temporary position at JLARC. Once a new Legislative Auditor is hired in August, Ann will move on to head Governor Gregoire’s education initiative, “Washington Learns.”

The JLARC analyst staff is in a state of change also. Because JLARC has such a great reputation for its work, we keep having our analysts lured away to other jobs in state government. Steve Lerch followed Cindi to Revenue; Jill Satran moved over to the Department of Transportation; Eric Thomas was hired by the Department of Social and Health Services and Heather Moss is joining the education budget section in the state’s Office of Financial Management.

JLARC has hired two new staff and is in the process of filling the two other analyst positions. Our most recent new hire is Cynthia Forland, who comes to JLARC most recently from the House Children and Family Services Committee, and before that, New Jersey. Our second “new” staff person is Valerie Whitener, who left JLARC two years ago to work for the King County Auditor—we are happy to have her back!
More From Mississippi

Pictured above are the Mississippi state seal and dome of the “new” capitol building. Construction of the capitol building began in January 1901 and was completed in August 1903 at a cost of $1,093,641. The construction project was funded by back taxes owed to the state by the Illinois Central Railroad. The building is constructed on the site of the old state penitentiary. The eagle atop the dome is 8 feet high and has a wingspan of 15 feet and is made of solid copper with a gold leaf plating. Former PEER director John Turcotte has actually touched the dome’s eagle. No, John doesn’t possess supernatural or mystic powers (even though we’re sure that he’s been accused of such). The eagle was resting peacefully on the capitol grounds during a renovation project in 1979.

From the Editor

Based on comments that I’ve heard from other NLPES members, it seems that most of us have experienced very busy legislative sessions recently. The Mississippi Legislature completed its regular session in early April and has already had two special sessions (one of which occurred over a weekend during the regular session). A third special session has been called for next week. …So much for having a “part-time” Legislature. The close proximity of legislators to PEER offices during sessions means more work for our staff. Ava Welborn’s article on page 2 gives you a brief glimpse of the many kinds of assignments that our staff is asked to handle. Over the years, we seem to have evolved into a “one stop shopping” office for legislators who want and need accurate information in a timely manner. It’s amazing how many of those “quick and dirty” requests actually end up as laws passed by the Legislature and signed by the Governor.

Special thanks to Martha Carter, Emilie Leroux, Ava Welborn, and Meredith Whitten for authoring articles in this newsletter. Speaking of authors…..I’m always in the market for more, as well as ideas for future articles.

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