

# NLPES News

National Legislative Program Evaluation Society  
 Website: [www.ncsl.org/programs/nlpes/](http://www.ncsl.org/programs/nlpes/)

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## Chair's Corner Heather Moritz (CO)



Summer is definitely at hand--trees are flowering, grass is getting greener, and legislative sessions are drawing to a close in many states, including Colorado. If

our legislative session has been typical of those around the country, I can safely say that it has been a pretty painful year all around. Severe budget cuts, hiring and salary freezes, travel bans, outright elimination of some programs--you name it, we've seen it debated and in many cases, enacted into legislation. Let's hope that the economy starts turning around soon so that next year's legislative sessions are a little easier to endure.

To take your mind off the doom and gloom, the NLPES Executive Committee is busily creating a number of interesting and educational training/networking opportunities for its membership to partake of during the upcoming months. I know that travel may be a challenge for some of you during the upcoming year, so I want to encourage you to use your travel resources wisely, whatever they may be. Of course, making those NLPES-

related travel opportunities your "number one" priority is always a prudent decision!

The NCSL Annual Meeting will be held July 21-25 in San Francisco, California. The San Francisco meeting will provide lots of opportunities for NLPES-ers to network, attend training sessions, and catch up on the important issues facing state legislatures over the next year. Jane Thesing and the rest of our Annual Meeting Committee have been hard at work putting together an interesting program for the NLPES members who attend the Annual Meeting. In addition, you won't want to miss NLPES' Annual Business Meeting and Awards Ceremony, which will be held on Thursday, July 24<sup>th</sup>. It is really the best opportunity we have to get together and give each other a little "pat on the back" for all the hard work we've done during the preceding year. Start making your plans to attend now!

I'd also like to encourage you to mark your calendars for our upcoming NLPES Fall Conference, which will be held this year in beautiful East Lansing, Michigan, on October 15-18. The theme of this year's conference is "Enhancing Evaluations to Effect Change." Thanks to the Michigan Office of the Auditor General and the members of the NLPES Training

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Committee for all the work they've already done to make this conference a success. We are looking forward to seeing Michigan's lovely fall colors while we network and learn more about our craft.

As always, if you can't travel, you can still stay in touch with the program evaluation community through technology. Please take a minute to visit the NLPES website and check out the resources found there, or take five minutes to answer the next "Question of the Month." And, as always, signing up for the listserve provides an ongoing opportunity for you to stay in the NLPES "loop"--not to mention that it is a great way to get other folks to help you with your latest research challenge.

In closing, I'd like to say that it has been an honor and a privilege to serve as your NLPES Chair for the past ten months or so. Thanks to each and

every member of the NLPES Executive Committee for working so hard to make the last year a productive and successful one for our membership. I'd also like to congratulate our newly elected Executive Committee members and wish them the best of luck over the next two years. In addition, I would like to send a special thanks to four wonderful people whom I have been lucky enough to call both mentor and friend over the last five years or so: James Barber, Joel Alter, Max Arinder, and Gary VanLandingham. Each of you has supported, inspired, and helped me in ways too numerous to mention--I couldn't have done it without you. Kudos also to Bob Boerner, our ever-faithful NCSL staff liaison. And finally, best wishes to Kate Wade, who will be taking over as Chair in San Francisco in July. I know she'll do a great job! Here's wishing you health, happiness, and heaps of success for the remainder of 2003.

*The foolish man seeks happiness in  
the distance, the wise grows it  
under his feet.  
--James Oppenheim*

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## I've Looked at Life From Both Sides Now

**Deb Junod** (Minnesota Office of the Legislative Auditor)



With oddly fortuitous insight, my husband and I decided in the spring of 2001 that it was time to leave Washington, D.C. Our move to the Twin Cities that summer has

given the whole family a chance to view many things in new ways--winter, for instance, means an entirely different thing in Minnesota than it does in D.C. From a professional perspective, my work at Minnesota's Office of the Legislative Auditor (OLA) has given me a new perspective on legislative program evaluation. Before coming to OLA, I spent thirteen years at the U.S. General Accounting Office (GAO).

The work itself is remarkably similar in terms of the issues addressed and the evaluation process. Minnesota's Legislature often grapples with the same issues as Congress, and this is clearly reflected in the similarity of topics legislators want evaluated. I am confident that nearly every program or issue OLA is asked to evaluate has a comparable request at GAO. Likewise, the process of program evaluation is parallel. At both OLA and GAO, projects go through similar phases--scoping, data collection and analysis, developing findings, conclusions and recommendations, and writing a report. Although GAO uses different lingo to describe these stages of work, from the start, my new OLA colleagues and I

shared a common understanding of program evaluation's rigorous approach and methodology.

As a group, my colleagues at OLA are also quite similar to my former colleagues at GAO. The most apparent common element, though, is actually diversity. Like GAO, most of the staff at OLA have advanced degrees, but in a wide range of fields—law, public policy, economics, and other social sciences. At both the state and federal levels, program evaluation is at its best when project team members bring a variety of skills to the table.

The most noticeable differences to me have to do with agency size. OLA's program evaluation division has a staff of about 15; GAO has a staff of over 3,000 spread among headquarters and regional offices across the country. GAO's organizational structure and work processes are more complex. GAO has been very successful in developing work processes (e.g., standard formats for project proposals, required meetings, and formal report review standards and procedures) that promote a fairly uniform, rigorous approach to designing and managing evaluations and keeping upper managers informed. But, conforming to those processes was time consuming. One great aspect of working at OLA is that the program evaluation division is too small to support a complex bureaucracy. As a result, managing projects here is more efficient (and, frankly, a little less frustrating). While each phase of work at OLA is well thought out and documented, decision making is faster and easier with less paperwork and fewer layers of management involved.

Another advantage at OLA is working on a broader range of issues. While some at OLA may wish they had more opportunity to specialize in particular areas, I spent nearly 10 of my 13 years at GAO working on tax administration issues. Even within

that area, I, like most of the senior staff, had subspecialties. (For almost three years, I worked almost exclusively on the Earned Income Tax Credit.) While each individual assignment was unique, I missed one of the biggest advantages (in my view, anyway) of program evaluation work—the ability to indulge one's intellectual curiosity in a wide variety of issues. At OLA, I have certainly been able to "get back to my roots" in that regard, having evaluated recycling, health care, and charter school programs.

While at GAO, working with federal programs and budgets radically changed my sense of scale—particularly my sense of what a "big" number is. In tax administration, for example, we thought in terms of 100,000 IRS employees, a budget in the billions, and millions of taxpayers. When I first came to OLA and we discussed program budgets and cost savings, the numbers were all of a size that I considered to be rounding errors. It continues to be a challenge for me to mentally remove zeros when I think about "big" programs or budget savings.

Another difference between OLA and GAO is the level of interaction between project teams and Legislators. At GAO, generally only senior executives speak directly with representatives and senators and often only in the context of a formal hearing. The vast majority of communication is with committee and subcommittee staff, and again, these meetings are generally restricted to executives and senior managers. At OLA, we also place a high priority on good communication with the legislature, but it is a pleasure to present our message directly to members rather than filtering it through staff.

So, how does program evaluation at the state level compare to the federal? Well, I have to say that it's the same...but different. The importance of what we do and the people and methods that define legislative program evaluation as a discipline hold true regardless of venue. The differences

often have to do with scale—both in the size of the programs evaluated

and in the size of the legislative program evaluation offices.

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## Planning an Audit Project in Kansas: Keeping it Short and Focused

Barb Hinton (*Kansas Legislative Post Auditor*)



Fess up. Do you find yourself trying to address everything in an audit? Not knowing how the audit work you're doing fits in with the big picture?

Not knowing whether something is OK or NOT OK as you review it? Realizing after-the-fact that you had a very different understanding about some part of the audit than your co-workers, supervisor, or worse yet, the big boss? Do your audits drag on and on and seem to develop lives of their own?

You've got discovery auditing. It's an ailment that causes audits to take longer than they need to, and causes everyone a lot of unnecessary frustration. We all do it to some extent, even here in Kansas where most performance audits we issue take no longer than 4 months to complete (and some a lot less) from start to finish. The key is to try to avoid discovery auditing as much as possible—to focus in on the audit's real questions and concerns, to focus only on what has to be done to answer those questions and concerns, and to do more only when it makes sense, given what you've learned during the audit.

Over the years we've developed a series of systematic processes intended to help us avoid discovery auditing. The success we've had in turning out high-quality audit work within fairly short timeframes hinges on all these processes (plus a talented audit staff), but this article deals only with what we call

our FOCUSS process.

### **The FOCUSS Process: the Planning and Conceptual Design of Our Audits**

FOCUSS stands for Focus on the Concerns and Understand the Scope Statement. As many of you know, our office doesn't go through the preliminary survey process—our audit questions are defined up-front by the concerns and questions raised by legislators or committees. These issues and questions are captured in one-page "scope statements."

For those of you who go through an elaborate preliminary survey process—our FOCUSS process still can help you, maybe more than you think. I'd guess many of your audits also start with concerns or questions about why something is or isn't happening, how an agency or program is operating, how something can be done more efficiently, etc. Why not focus on those areas? If you find other problems during the audit, pursue them. Or do another focused audit.

Our FOCUSS process usually begins within a day or two after the audit has been assigned to a team. Before the meeting, the team focuses on learning what it can about the specific aspect of the agency or program we're reviewing. (At this stage, you need to know very little about the specific program you're auditing to design the audit.) Everyone who might be able to contribute to the FOCUSS process is involved, including the team members, supervisor, manager, and Post Auditor, and our methodology and computer specialists if needed.

Depending on how simple or complex an

audit's questions are, our FOCUSS meetings can take anywhere from a couple hours to almost a week. My goal is to make sure everyone has a common conceptual understanding of what we're going to do, why we're going to do it, and how to think about it as we're doing it. It can be a big investment of everyone's time—but it almost always pays big dividends. Every audit involves some churning, but churning up front is much more efficient than churning at the end.

**The Steps Involved in Kansas' FOCUSS Process**

In general, we go through each of the following steps for each audit we conduct—even for 100-hour audits that are very narrowly focused.

**1. Identify the real question(s) behind the audit question (QbQs)**

a. When all the smoke clears, what question(s) are we really trying to answer? Here's an example where the original audit question was pretty broad, but the QbQs helped us focus our work on the real concerns:

i. **Original question:** Does the Department of Revenue have adequate procedures in place to ensure that all sales and compensating use taxes due on vehicle sales are being remitted to the State?

ii. **QbQs:** Is the Department using the information it already has available to help it identify dealers who aren't remitting the sales taxes they collect on motor vehicles? Are Kansas residents under-reporting the selling price of motor vehicles sold between private individuals, and therefore paying less retail sales taxes than

they should? Are compensating use taxes being collected on the value of any manufacturers' rebates given for vehicles that Kansas residents buy out-of-State?

iii. Just so you know—we expanded our audit work slightly when we saw there were real problems with the Department's collection procedures for dealers who weren't remitting the taxes they owed.

- b. Never assume even a simple question is self-explanatory, or that two people interpret it the same way.
- c. This step maximizes your chance of doing the right audit from the start.

**2. Identify the likely subquestions (LSQs)**

- a. In more-or-less chronological order, what subquestions would you have to answer to answer the original question and the QbQs?
- b. This step helps you to start thinking about what work you'll actually do, and forms the beginnings of some audit objectives.

**3. Identify the key functions, processes, or factors being reviewed**

- a. Is it a regulatory function? A complaint-handling process? An eligibility determination process? A purchasing function? A contract-management process? Models are available in these and other areas.
- b. Key factors are those things most likely to cause or affect the topic/problem you're examining (i.e., the key factors likely to affect program costs, or that could be contributing to a decline in revenues, or that would most likely affect a program's ability to accomplish something).

c. Identifying these up front can help you structure and focus almost everything that follows—from the design through the writing.

**4. Identify any other types of “what should be” criteria we’ll likely use in our evaluations**

- a. It would be adequate, sufficient, reasonable, well-coordinated, unduplicated..... if what?
- b. You don’t need to develop these criteria in the FOCUSS meeting, but you should recognize those areas where criteria will have to be developed and agreed to before the fieldwork begins.

**5. Identify our major “buckets” of work**

- a. These are the big things you’re going to do during the audit (e.g., review what services were recommended and actually provided, review staff turnover & retention rates, etc.). These will be similar to the LSQs.
- b. After the more conceptual discussions above, this step helps refocus and ground you in the actual work to be done.
- c. This step can help you formulate your audit objectives (e.g., determine whether people are getting the services recommended for them.).

**6. Conceptually design the audit—those analyses we think we’ll really do in this audit** For each audit question or QbQ:

- a. Sketch out the framework of the answers to that question.
- b. Sketch out the types of analyses you really think you’ll do, in rough working paper format. Also, decide what you think you won’t do.
- c. Sketch out your likely sources of information.
- d. This step helps you to pull

together what you’ve talked about so far into a logical, pyramidal fashion--“see” your approach and how the pieces of the audit you’ve designed fit together; identify things that might need to be added or areas where you’ve gone too far; recognize things you all may have understood differently until now, etc.

**7. What barriers do you think you might run into during this audit?**

- a. These can include time, data, expertise, complexity, access, or other barriers.
- b. Thinking about these now can help you plan how to address them early on, or how to find ways to work around them.

You might notice there’s lots of potential redundancy in the steps I outlined above. That’s intentional, because that’s often what it takes to make sure everyone has a solid idea of what we’re doing and how each major piece of audit work fits into the whole.

To keep us from spinning too much (trust me, it happens), anyone can question whether we’re getting too unfocused during our discussions. And we sometimes stop our FOCUSS meetings so the team can go learn more about something specific we need to know or understand to finish designing the audit.

We’re not trying to write the audit guide during the FOCUSS process—that comes next. As a result, we don’t set out to identify specific audit tasks that will get listed in the guide. But if the supervisor and team members are taking good notes during the FOCUSS process, a lot of what ultimately ends up in the guide will have been discussed, sometimes more generally but sometimes pretty specifically, during the FOCUSS process.

In sum, our FOCUSS process is intended to be a structured but dynamic process that can maximize our chances of doing

the right audit, and doing it as auditing, but it sure can ease the effectively and efficiently as we pain. can. It doesn't cure discovery

## Things Auditors & Evaluators Do, Use, Need or Produce

D R H F A X R Y C Q H F O P A L O O T  
 A E G E I G F W O O P W U N M C A D A  
 C P U T W B C X P N M V B J F R I E N  
 H O S F G U J H I J S P V I S G U B I  
 T R M X E L H Z E M D Y L T N B I L W  
 B T Y P G L I L R K R E Y I L H X J C  
 F V R E U E N C G F O K C R A D T Q N  
 I W T S V T T Q N S C N F G G N K D K  
 E T N I C I E X L F E D N K E J C R O  
 L P E V G N R R P R R I O T N I X E F  
 D V W E N B V X E J D G A E C L H G M  
 W U S R I O I F S N H E L P Y G M U Z  
 O X L O L A E C I Q W I W N D A E L P  
 R W E R P R W F U S E R O T I D U A U  
 K Q T S M D C B N O C B R P E X I T J  
 X B T L A Y I Z R D N A K V M K P I L  
 C F E A S T A T E L A W L O A V W O R  
 Y Z R O T A L U C L A C D S T P R N Q  
 A Y B Q U E M P S I N D E X I N G S Z

The following words are hidden in the puzzle horizontally, vertically, backwards and forwards

- |             |         |           |            |          |             |
|-------------|---------|-----------|------------|----------|-------------|
| Indexing    | Records | Fieldwork | NLPES      | Fax      | Regulations |
| Newsletter  | Finding | Copier    | Calculator | Computer | Compliance  |
| Referencing | Report  | Work      | Exit       | Revise   | Auditor     |
| Sampling    | Sweat   | Agency    | Help       | Plead    | File        |
| Interview   | Entry   | Fiscal    | State Law  | Loot     |             |

## **State Profile**

# **Virginia Joint Legislative Audit and Review Commission**



**Office Overview--**The Joint Legislative Audit and Review Commission (JLARC) is the oversight agency of the Virginia

General Assembly. The Commission consists of nine members of the House of Delegates and five members of the Senate of Virginia. A professional staff of about 30 responds to research requests from the Commission and studies resolutions from the full legislature. We conduct program reviews and evaluations, policy studies, and other evaluative work as needed.

**Year Established--**1973

**Annual Budget--**\$2.7 million

**What We Like Best About Our Name--**That it's such a great name that it's been copied

**What We Like Least About Our Name--**That it's such a great name that it's been copied

**Background of Staff--**Staff come from across the United States. Many started work here right out of college (University of Virginia, Virginia Tech, Duke, Harvard, William and Mary, Wake Forest, Virginia Commonwealth University, Rand and many others) and have stayed in Richmond to make a career of legislative oversight. Staff generally have masters degrees or doctorates in policy studies, public administration, or related fields.

**Best Thing About Virginia--**We are surrounded by history. The Virginia General Assembly is the oldest legislative body in the Western hemisphere and the second oldest in

the world. Eight U.S. Presidents were born in Virginia.

**Nickname--**Watchdogs (a mean-looking bulldog is emblazoned on our softball shirts)

**Number of Reports Issued--**293 and counting

**Office Locations--**Downtown Richmond, Virginia

**Best Thing About Where We Work--**It's just a short lunchtime walk to:

- the Thomas Jefferson-designed Capitol, surrounded by fountains, rose gardens, and historical monuments and featuring a priceless statue of George Washington, the only one ever done from life; or,
- the James River, where eagles soar not infrequently, and a historic canal system which opened in 1789 and was promoted by George Washington, has been restored; or,
- the Carpenter Center, an elegantly restored Alhambra-themed theatre for symphonies, musicals, and many other performances, and which is soon to become the centerpiece of a large downtown arts center.

**Least Flattering Description of Our Staff--**In a recent op-ed piece a former Secretary of Technology wrote, "Too often in the General Assembly, JLARC reports are treated as commandments from on high. JLARC is not perfectly pure." Upon reflection, we're considering "not perfectly pure" as our office motto.

**Dream Assignment--**Review the Virginia Film Office, which has been quite successful in enticing film production companies to come to Virginia, and assists (movie stars!) with arrangements. The Capitol area is frequently used as a substitute

for scenes in Washington, D.C. Some recent movies made in Richmond include *Dave*, *Hannibal*, *GI Jane*, *The Contender*, and *The Replacements*, along with episodes of television series such as *Dawson's Creek* and the forthcoming *Lines of Duty* to be shown on ABC this fall. HBO's *Iron-Jawed Angels* showing later this year was recently filmed in Capitol Square.

**Most Disconcerting Audit Experience**--A JLARC analyst had a brick thrown at his head while inspecting conditions in a state prison. Later, during an interview with the prison warden, a

tape recorder hidden in a trashcan started beeping at the end of the tape. The warden had been advised that we were "the enemy" and to watch what he said.

**Biggest Misconception**--That staff are heartless faultfinders. JLARC was one of only a handful of agencies to receive the highest award for participation in the state's recent United Way campaign. Nearly 80% of staff participated, with an average contribution of more than \$400 and a total staff contribution of well over \$8,000.

**Small Shop Talk**

**Surviving My First Legislative Session**

*Rakesh Mohan (Director, Idaho Office of Performance Evaluations)*



"What the hell do you know about the Idaho Legislature? They will have you for lunch." A seasoned veteran of the legislative process commented and forecasted a scary

scenario after learning that I had accepted the director's position for Idaho's Legislative Office of Performance Evaluations. My response was simple and honest: "Absolutely nothing." This brief conversation, however, forced me to think about what I was getting into and how I was going to be effective in my new position.

I had to quickly familiarize myself with a new state and learn the names and faces of 105 legislators (35 senators and 70 representatives). In particular, I needed to understand the vision and expectations of the eight-member Joint Legislative Oversight Committee to whom I was going to report directly. It was an intimidating task ahead of me, especially because I started my new position just a month before the beginning of the 2003 legislative session.

How did I start? Well, first I prayed a lot (as a Hindu, I have an advantage—I can pray to lots of different gods!) and then called some of my friends in the evaluation community. Of all the advice I received, one statement made the most impact on me: **"There are important legislators, but no legislator is unimportant."**

This statement relates to the practice of two important, competing evaluation principles that I have been thinking about--1) be independent and objective (henceforth referred to as independence or independence); and 2) be responsive to stakeholders.

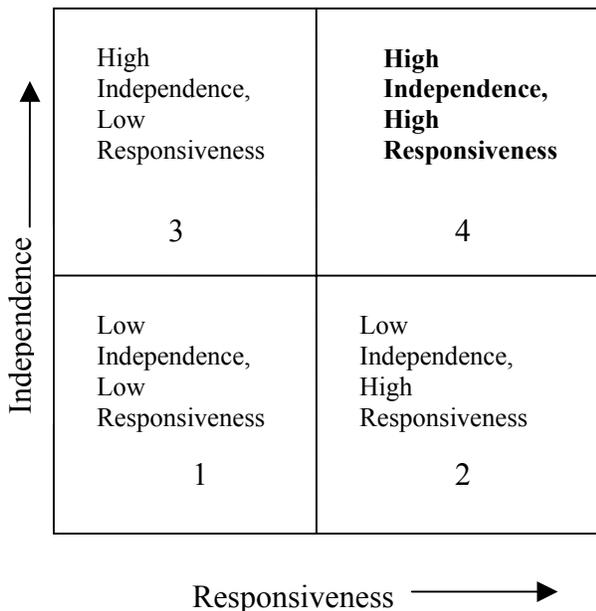
It is not too difficult to practice either of these two principles if the focus is on only one. However, it becomes challenging to practice both. What is the right mix of independence and responsiveness? Do we have to give up one for the other, or can we maximize the two at the same time?

**Maximize Both Independence and Responsiveness**

Traditionally, the legislative program evaluation model has paid more attention to maintaining independence than to being responsive. This model

might have worked well in the past by giving credibility to legislative evaluation offices. However, this focus on independence at the expense of responsiveness can be counterproductive. If we are not responsive to the legislature and other stakeholders, we run the risk of producing work that no one cares about. Hence, I started my new position with a goal of maximizing both independence and responsiveness at the same time. In fact, this became my operating mantra.

One of the first things I did at the Office of Performance Evaluations in Idaho was to convey this mantra to my staff. I asked them to place the following chart on their office walls. The chart illustrates four quadrants, each specifying a different mix of independence and responsiveness. In order to produce evaluation work that is not only credible, but is used by legislators and other stakeholders in making policy and budget decisions, it is highly desirable to be somewhere in the upper right quadrant (#4). As mentioned earlier, it is not easy to function in the upper right quadrant—it requires evaluators to be constantly aware of the dynamics of their authorizing environment.



I learned my first lesson when I tried to explain my mantra to a senior senator. He patiently listened to my ideas of how I was going to be responsive to the legislature and stay independent at the same time. He then simply asked: **"Who do you report to?"** I replied, "The Joint Legislative Oversight Committee." He said he liked my answer and added that I should always remember this regardless of how enthusiastic I felt about being responsive to the entire legislature. He cautioned me to be careful in my efforts to be responsive lest my office and I were taken advantage of by someone for political purposes. Though he was not a member of my oversight committee at the time of our conversation, I am glad he is a member of my committee now.

I learned my second lesson when I tried to convince my committee to change a rule, which would allow me to address small study requests by individual legislators (without seeking the formal approval from my committee). I was seeking this rule change to enable my office to be more responsive to the legislature. The committee agreed with my intentions and approved my request, but added certain constraints to protect my staff and me from falling in a political trap. I learned that being responsive involves managing risks.

Working on these small studies has provided me with opportunities to get to know individual legislators and understand issues that are relevant to the legislature. One thing that helped me the most in doing my job was to meet individually with as many legislators as possible during my first legislative session. In a small state like Idaho where the legislature is a true citizen legislature, I believe it is imperative to develop good working relationships based on mutual trust and open communication. I am confident in saying that my efforts have resulted in gaining broader support for my office.

**Conclusion**

Only time will tell how much I know about the Idaho Legislature, and whether I made the right choices in responding to my authorizing environment. I do know two things for sure. One, I am thankful to the seasoned veteran of the legislative process who forced me to think about many important issues in a very short

time. Two, I would not have been able to be responsive in my first legislative session without the hard work of my staff, the support of my oversight committee and legislative leadership, and the advice and encouragement of my friends in the evaluation community.

### **Deep Thoughts**

Why do we say something is out of whack? What is a whack?

Do infants enjoy infancy as much as adults enjoy adultery?

If a pig loses its voice, is it disgruntled?

Why do women wear evening gowns to nightclubs? Shouldn't they be wearing night gowns?

If love is blind, why is lingerie so popular?

When someone asks you, "A penny for your thoughts," and you put your two cents in, what happens to the other penny?

Why is the man who invests all your money called a broker?

Why do croutons come in airtight packages? It's just stale bread to begin with.

When cheese gets its picture taken, what does it say?

Why are a wise man and a wise guy opposites?

Why do overlook and oversee mean opposite things?

If horrific means to make horrible, does terrific mean to make terrible?

Why isn't 11 pronounced onety one?

"I am" is reportedly the shortest sentence in the English language. Could it be that "I do" is the longest sentence?"

Do Roman paramedics refer to IV's as "4s"?

Source: [www.plainlanguage.gov](http://www.plainlanguage.gov)

## Confessions of a Would-Be Legislative Liaison

Heather Moritz (*Colorado Office of the State Auditor*)



Over the last several years, the Colorado Office of the State Auditor has become increasingly involved with facilitating the passage of legislation originating from our

audits. In Colorado, our oversight committee, the Legislative Audit Committee (LAC), has been quite receptive to the idea of sponsoring audit-related legislation (a practice that is fully supported by our General Assembly's rules and traditions). Agency managers are also keen on getting LAC sponsorship for their bills for a variety of reasons. For example, some agencies do not have much experience with the legislative process and working with the Legislative Audit Committee and our office can make this experience easier for them. In addition, agency managers often find that a LAC bill carries more weight than one sponsored by individual legislators; thereby increasing the bill's chances for passage. Of course, we like it when the LAC decides to sponsor a legislative proposal that has been formulated from our audit work because it increases the likelihood that an associated audit recommendation will be implemented in a timely and appropriate manner.

In an average year the LAC will carry between 10 and 15 audit-related bills. The subject matter of recent bills has varied widely from simple, revisor-type legislation to more complicated, controversial proposals. Recent bill subjects include: criminal history background checks, community corrections program audits, statewide records management, foster care program administration, sales tax collections, sanctions for home-based health care providers, and risk-based nursery inspections. The LAC will also occasionally carry

legislation on our behalf to update or clarify our statutory responsibilities. For example, this year the LAC carried a bill that streamlined the reimbursement process that our office uses to recover some of its costs for conducting statutorily required performance audits of tobacco settlement programs.

### Turning an Audit Recommendation Into a Signed Act

We've been working on making our process more systematic so that our committee members know what to expect in terms of staff support on each legislative proposal. A more formalized process also helps ensure that staff know their responsibilities so that we can avoid confusion and other miscues (e.g., Who will attend committee hearings? What should I put in the bill sponsor's information packet? How do I communicate with the bill drafting staff?). Our process typically starts in the mid-summer when the audit managers and deputies are asked to review each audit released in the preceding year to identify possible legislation. Once this information is compiled, we hold a series of meetings with our own management, agency representatives, stakeholders, and others to determine if there is interest in pursuing the proposed legislation. Then, throughout the remainder of the fall, we present the proposals to the LAC and begin working with Legislative Legal Services staff to sketch out actual bill drafts. Once the LAC members decide on the bills they'd like to carry and sponsors are assigned, we start working with the individual legislators to put the finishing touches on the legislative proposals so that when the General Assembly convenes in January, we are ready to go. Just how much assistance a bill sponsor needs with a particular piece of legislation depends on a number of factors, e.g., his or her experience level and familiarity with

the subject matter, the complexity of the legislation, and so forth. At a minimum, however, we prepare a briefing packet for each bill sponsor that includes a copy of the legislation, the fiscal note(s), a highlight sheet, a copy of the associated audit report, and other background information as needed. We also attend and are available to testify at all public hearings held during the legislative process on each bill. In addition, as needed, we will meet with the bill sponsor and other interested parties to conduct briefings, work through amendments, or iron out any other problems that may arise during the process. One thing we never do, however, is "lobby" a bill. It is our position that we are involved in the process as an information resource only, not to persuade legislators to vote one way or another on a proposal.

#### **Navigating the Legislative Process**

So, you want your audits to have more of an impact on improving state government? Here are some helpful tips for navigating the legislative process.

- **Educate yourself about your state's legislative process and its rules, traditions, protocols, and courtesies.** For example, knowing the protocols for testifying and addressing legislators in committee hearings can add polish to your presentation.
- **Know your subject matter and maintain an awareness of other bills that may affect your legislative proposals.** In Colorado, we subscribe to a bill tracking service that provides staff with daily e-mail updates on the status of their bills. These types of services are really helpful in maintaining up-to-the-minute information on legislation and are well worth the cost.
- **Know your resources.** Members' staff, sergeants-at-arms, agency legislative liaisons, bill drafters, and lobbyists are all

people who can help you succeed in this process.

- **Bring work to committee hearings if you are waiting to testify on a bill.** I've found that the legislature rarely runs according to schedule so make the best use of time spent waiting.
- **Use technology to your advantage.** For example, listen to Internet broadcasts of proceedings if your state has this capability and you don't need to be there in person. You can stay in the office and get work done while still staying current on the legislative actions affecting your bills.
- **Don't take it personally when a bill gets killed, even if it is clearly the best public policy ever written.** There are numerous reasons for a measure to fail (e.g., no money to implement a particular policy is a popular one these days). You can always try another time.

#### **Real World Experiences**

Remember, it ain't all sunshine and roses! Here are a few of our more interesting experiences in the "real" legislative world.

- **Never underestimate a good sense of humor.** As staff we take our legislative responsibilities quite seriously. At one recent hearing a staff member was asked how it was determined that ten years was the "appropriate" amount of time between sunset reviews of the lottery program. Seeing the frightened look on her face, the bill sponsor rescued her by quipping, "It was a Quick Pick." Laughter ensued and the committee never asked for a "real" answer to the question.
- **Inspiration comes from odd places.** One of our staff was assisting with a bill that was meant to be a fairly benign clarification of the Department of Agriculture's rodent control responsibilities. It was clear that the hearing wasn't going our way when members of the audience were inspired to testify against the bill even though they came to the Capitol on

completely unrelated business.

- **Familiarity breeds, well, familiarity.** One of our staff has spent so much time assisting with legislation that she's become a familiar face to the lobbyists and other "regulars" who hang around the Capitol. Recently, she was sitting in the back of a hearing room waiting for the committee to hear one bill and was called up to comment on a completely different bill after one of the regulars spied her sitting there. Luckily, another staff member with much more knowledge on the issue being debated was also in the audience and was hastily asked to field the committee's questions.
- **Keep things in perspective.** A few years ago, a wise legislator at a contentious hearing astutely recognized that our staff's intensity on the bill

being debated was a bit higher than necessary. To bring things back into perspective, he reminded staff, "We're not marrying it; we're just carrying it."

Overall, though, we have found our "legislative liaison" experiences to be a valuable new weapon in our auditing arsenal. It helps ensure that important statutory changes are made in a timely manner, as well as serving as an educational and interesting experience for the audit staff. It also provides our staff with a chance to get to know individual committee members on a more personal level, which has further strengthened our working relationship with the legislative body as a whole. If you're interested in knowing more about our experiences, please don't hesitate to contact us; we'd be happy to provide you with more information.

### **Congratulations and Welcome**

The following individuals have recently been elected to serve new terms on the NLPES Executive Committee: Martha Carter (Nebraska); Phil Durgin (Pennsylvania); Sherry Hayashi (Hawaii); Steven Hendrickson (California); Ken Levine (Texas); and Kathy Snider (South Carolina).

They will join Wade Melton (Florida); Heather Moritz (Colorado); Tim Osterstock (Utah); Manu Patel (New Mexico); and Kate Wade (Wisconsin) on the Executive Committee.

Thanks to each of you for your willingness to serve our staff section in this important capacity!

**Liaison's Corner**

**Association of Certified Fraud Examiners**

The Association of Certified Fraud Examiners (ACFE) is NLPES's newest professional liaison and could well turn into a commonly used reference source for many state performance audit shops. Fraud reviews are no longer a blip on the performance auditing screen. Many of us, for lack of any other fraud-detecting organizations, are being asked more and more often to conduct special fraud-related reviews. The ACFE can be of assistance in these circumstances.

The ACFE is a relatively new certifying organization that hit the scene running in 1988. ACFE is now the largest anti-fraud professional organization in the world boasting 27,000 certified members and substantial resources and training opportunities. The organization's rapid growth in members and programs is directly related to the realization in government and business that fraud does exist and is costly. In 2002, the ACFE's "Report to the Nation" stated that fraud is in all facets of American business

and costs approximately 6% of revenues or roughly \$600 billion annually.

Fraud prevention and detection is a current "hot topic." As such, recognition of the ACFE has increased dramatically and it is now included in discussions on controlling fraud. Recently, the ACFE joined with six other professional organizations (including AICPA and IIA) to create recommendations to help boards of directors, audit committees, and management to prevent and root out fraud. A good many of the recommendations address historic audit functions with an added twist toward fraud detection through oversight.

Currently, this professional liaison is an informal relationship. The ACFE lists NLPES as a website contact and we do the same for the ACFE. ACFE will try to address questions directed to that organization, allow us to reprint information from their monthly newsletter, and inform us of possible training opportunities. With over 90 local-level chapters, the ACFE should be available throughout the country. Give them a look at [www.cfenet.com](http://www.cfenet.com).

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**Responding to Sponsors and Stakeholders in Complex Evaluation Environments**

*For whom are we doing this evaluation anyway?* Depending on the complexities of the evaluation environment, the answer to this question may not be readily apparent to evaluators and evaluation organizations. Often the environment in which an evaluation takes place includes multiple sponsors and stakeholders with competing interests, some of which are clearly stated; others are only implicit. Government evaluation environments in particular are further complicated by the fact that evaluation findings and conclusions have implications for public policies

and the use of public funds, often from multiple sources. The success of an evaluation is contingent on the cooperation of sponsors and stakeholders; its impact depends on having sponsors and stakeholders use the evaluation to make policy and fiscal decisions, improve program implementation, and document program and service outcomes. Consequently, it is imperative for evaluators and evaluation organizations to understand the evaluation authorizing environment in which they operate.

*New Directions for Evaluation* [Vol. 95, Fall 2002, Jossey-Bass], a publication of the American Evaluation Association, identifies challenges relating to complex evaluation environments and offers "coping" mechanisms to meet the diverse needs of evaluation sponsors and stakeholders. Rakesh Mohan, David J. Bernstein, and Maria D. Whitsett edited the volume, which includes the following chapters.

**Program Evaluation in a Challenging Authorizing Environment: Intergovernmental and Interorganizational Factors** [Authors: Kimberly A. Fredericks, Joanne G. Carman, Thomas A. Birkland] Intergovernmental program evaluation is very complex, but attention to program networks and key actors can enhance the chances of evaluation success.

**Evaluation Across an Intergovernmental Context: Issues Raised Through Different Perspectives on Even Start** [Author: Susan Boser] Does responding to the authorizing environment at the national level ensure adequate representation of program results? A state-local collaboration suggests an alternative.

**Building Local Program Evaluation Capacity Toward a Comprehensive Evaluation** [Authors: Hao Tang, David W. Cowling, Kristi Koumjian, April Roeseler, Jon Lloyd, Todd Rogers] How does a state agency ensure the accountability of its two hundred local programs with limited resources? California's Tobacco Control Program has adopted a self-assessment approach to empower local program evaluation.

**Community-Based Organizations and State Initiatives: The Negotiation Process of Program Evaluation** [Authors: Bianca L. Guzmán, Aida Feria] Evaluators often work in

complex settings with many stakeholders. How can evaluators best navigate these situations to meet the needs of key stakeholders without compromising their evaluation plans?

**Program Evaluation in State Legislatures: Professional Services Delivered in a Complex, Competitive Environment** [Authors: Frances S. Berry, John W. Turcotte, Sarah C. Latham] Legislative program evaluation has changed since 1970. This chapter describes legislative program evaluation units, the six critical roles they play in institutional performance, and the complex authorizing environment within which they work.

**Addressing Sponsor and Stakeholder Needs in the Evaluation Authorizing Environment: Trends and Implications** [Authors: David J. Bernstein, Maria D. Whitsett, Rakesh Mohan] In the concluding chapter, the editors of this volume make note of several trends and implications arising from the discussions in the earlier chapters. In particular, they note the need to recognize the complexity of evaluation contexts involving multiple sponsors and stakeholders. The significance of the multifaceted and complex environment for the conduct of evaluation in state and local government settings is noted.

#### Ordering Information

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## NLPES Fall Training Conference

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**A Normative Definition of the Role of a State Auditor**

**Dr. Mordecai Lee** (*Associate Professor, University of Wisconsin-Milwaukee*)

**Editor's Note**

The March 1985 issue of the *LPES Report* (the forerunner of the *NLPES News*) included a series of articles entitled "After the Report, Then What? The Role of Report Advocacy." The four articles in the series explored the continuum of advocacy involvement of state evaluation/audit units. Wisconsin state Senator Mordecai Lee (who has since left the legislature) authored one of the articles and discussed the professional status and philosophy of legislative authors. At the time he authored his article, Senator Lee served as the Senate Vice-Chair of the Wisconsin Joint Legislative Committee. Dr. Lee is presently an Associate Professor of Governmental Affairs at the University of Wisconsin-Milwaukee.

This issue of the *NLPES News* includes Dr. Lee's article as it appeared in 1985. Dr. Lee graciously reviewed his

1985 article and wrote an epilogue. The fall issue of the *NLPES News* will include his current thoughts on this topic.

**Dr. Lee's Original 1985 article**



The traditional dilemma of the policy-making process within the political system is assuring that all interests involved in a particular policy area are represented, and that all are represented in an equally cogent manner.

Many interests in society are naturally organized, or organizable, and have their voices heard and their concerns considered during the policy deliberations of a legislative body.

But, who speaks for the voiceless? Who speaks for the taxpayer-at-large? For the public interest? For future generations? For the environment? For the invisible sections of society?

In Wisconsin, we have tried in at least one of these aspects, to rebalance the equation. An assistant Attorney General is designated as a 'public intervenor' to advocate the goal of environmental protection in all legislative, executive, and judicial policy deliberations. The Public Intervenor is not accountable to anyone within state government, and therefore cannot be muzzled by those interests - both within and without state government - who disagree with the activities of the Intervenor.

I suggest legislative auditors should strive to achieve a similar role. They should see themselves as articulating an otherwise silent voice within the policy process: that of objective, public interest-oriented analysis.

While this role would, naturally at times, create unpleasant relations with some legislators and governors, it offers, in the long run, the most constructive and credible role for auditors.

It seems to me that there are 10 elements of this "Public Intervenor" role:

1. The auditor should always offer disinterested advice. After all, policymakers are inundated with self-serving and subjective information. It's always a relief to get some information and advice from someone who doesn't have an ax to grind, and does not stand to benefit or lose, depending on what course of action is eventually adopted.
2. An auditor should above all strive to accomplish credibility within the policy system. Legislators need to have confidence that the

reports they receive from auditors are always complete, always objective, always above manipulation, and always nonpartisan.

3. The auditor should always be working in the best interest of the client, in this case working for the public interest. This would mean that auditors would not be afraid to deflate sacred cows and be willing to critique the conventional wisdom of how things are "always done." The auditor's role is not to be popular, but to point out the public interest.
4. The auditor should not be afraid to deliver bad news. While it's true that nobody likes the messenger who delivers bad news, auditors should not shy away from such a role. In the long run, the policy process is always better off when there's a voice that is willing to say that something isn't working or won't ever work, or that something is ill-conceived or misdirected.
5. An auditor shouldn't be reluctant to correct the record when it seems that an audit is being misrepresented in the policy process. If an audit is being used to justify a course of action that it clearly didn't recommend, why sit silently?
6. Auditors should always take care that audit studies are comprehensive. Sometimes requests for audits can be skillful in what subjects they include and what related subjects they exclude. After all, sometimes a policy battle can be won or lost when the problem itself is defined. Auditors should be sure that an audit is always comprehensive and includes a review of the whole subject, and not an artificially narrow definition of it.
7. An audit should always include an analysis of the long-term trend of a program or policy. While a program might be very successful in the short term, what would be the financial or policy implications if everything

continued without change for 10 years? Policy makers need to know if the trend is a straight line, or if it will start curving down, and when.

8. Don't be afraid to try to audit and evaluate a non-quantifiable aspect of public policy. Sometimes the most important areas of policy-making aren't quantifiable. While they might not be quantifiable, surely they can be evaluated and judged.
9. Contrariwise, don't be afraid to downgrade the importance of numbers when they are available. What do the numbers include, and what do they exclude?

10. Auditors need to act to reverse the trend of putting so much of government off-budget. The popularity of trust funds, public authorities, governmental corporation, foundation, etc., threatens to exclude an increasing portion of government from normal political and policy reviews. Auditors need to keep auditing these activities just like all other parts of government.

For many auditors, these recommendations may sound very idealistic and perhaps unworkable. However, I suggest that they may contain the basis of what could become a normative definition of the professional status and philosophy of legislative auditors.

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## Office Happenings

### **Connecticut**

Effective June 1, Michael Nauer retired from the Connecticut Office of Program Review and Investigations. George McKee also plans to retire from the Connecticut PRIC in the near future.

### **Michigan**

Best wishes to Joseph Harrison, Audit Division Administrator, who elected to retire under Michigan's "Early Out" retirement program. Joe retired from the Office of the Auditor General after 29 years of service. The Auditor General also announces the appointments of Therese Regner and Steve Baker to Audit Division Administrator positions. Therese and Steve have both worked with the office for more than 20 years.

### **Minnesota**

Roger Brooks retired in May after 25 years of service with the Office of the Legislative Auditor, including nearly 20 years as deputy legislative auditor for program evaluation. Roger served as chair of the NLPES Executive Committee from 1987-89 and made numerous other contributions to NLPES.

In addition, the office bid farewell to an outstanding program evaluator, Todd Wilkinson.

### **Mississippi**

The Joint Legislative Performance Evaluation and Review Committee has recently hired Sara Evans as an evaluator. Lynn Watkins resigned from the PEER staff to work with the Hinds County Public Defender's office. Senator William Canon, one of PEER's long-time members, recently retired from the Mississippi Senate.

### **New Mexico**

Manu Patel has been promoted to the position of Deputy Director Performance Audit with the New Mexico Legislative Finance Committee. Christine Chavez has been promoted to performance audit manager.

### **North Carolina**

The North Carolina Fiscal Research Division has recently hired the following staff: Kathie Austin, Chloe Gossage, Jennifer Haygood, Douglas Holbrook, Jim Klingler, and Stephanie Schmitt. Recent resignations from the office have

included the following: Philip Price, Andy Willis, and Elisa Wolper.

**Washington**

The Joint Legislative Audit and Review Committee has recently hired three new staff-- Deborah Frazier, Isabel Munoz-Colon, and Eric Thomas.

**Wyoming**

The Program Evaluation Section of the Legislative Service Office has recently hired Lynne Callaghan and Michael Swank as new staff.

## NCSL 2003 Annual Meeting and Exhibition

San Francisco, California

July 21-25



NLPES will sponsor (or co-sponsor) the following sessions and activities during the NCSL Annual Meeting.

Monday, July 21, 3:15 p.m.	NLPES Roundtable Discussion
Monday, July 21, 6 p.m.	NLPES Dutch Treat Dinner Oriental Pearl Restaurant, Chinatown
Tuesday, July 22, 3:15 p.m.	<b><i>“The New Legislative Agencies”</i></b>
Wednesday, July 23, Noon	Legislative Staff Luncheon and Awards
Wednesday, July 23, 2:15 p.m.	<b><i>“Managing Public [Pension] Plans in Turbulent Times”</i></b>
Thursday, July 24, 10:45 a.m.	<b><i>“Getting the Most for Our Money: The Role of Program Evaluation in Finding Savings”</i></b>
Thursday, July 24, 12:30 p.m.	NLPES Luncheon and Awards
Thursday, July 24, 2:15 p.m.	<b><i>“Evaluating IT Expenditures in Tough Budget Times”</i></b>



Plan now to attend all of these sessions and activities while in San Francisco.

## More From Virginia



**Virginia JLARC Staff**  
**Phil Leone, Executive Director**

## From the Editor

As you can see, the *NLPES News* continues to be a work in progress. I trust that you will bear with me as I experiment with new formats, fonts, and other software miracles. By the time I've mastered desktop publishing, it will be time to retire. (Maybe I'll be a little more marketable at that time!)

Having said that, I continue to be indebted to all of you who "willingly" agree to write articles for the newsletter. I am impressed at the insight and talent of my NLPES colleagues. Thanks for your support.

James Barber

**NLPES-NEWS** is published three times a year by the National Legislative Program Evaluation Society, a staff section of the National Conference of State Legislatures. NLPES serves the professionals of state legislative agencies engaged in government program evaluation. The purposes of NLPES are:

- To promote the art and science of legislative program evaluation.
- To enhance professionalism and training in legislative program evaluation.
- To promote the exchange of ideas and information about legislative program evaluation.

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