



Date: January 10, 2023

To: Members of the House and Senate

From: Speaker Bartels and President Pro Tempore Schoenbeck

Re: Guidelines for the 2023 Regular Session

To ensure the Legislature's processes run smoothly as possible, legislators are expected to keep these guidelines in mind when interacting with LRC staff.

Access to LRC Staff during Session and After Hours

To ensure that staff serve legislators fairly and equally during session:

- 1) When entering the LRC offices to meet with personnel of the Research or Fiscal divisions, staff will greet the Member and escort the legislator to that staff person's office.
 - a) If staff are engaged with another legislator or preparing to staff a meeting, staff will offer to contact the member later. Members may also be encouraged to leave messages or send email correspondence.
 - b) It will be considered inappropriate conduct for a legislator to seat themselves in staff's private office unescorted or unannounced, which potentially jeopardizes the confidentiality of legislators' work products.
- 2) Staff will strive to give full service and attention to each legislator and each legislative request, keeping in mind that:
 - a) Priority is given to drafting and fiscal analyses over other legislative requests for information, especially those that could be addressed in the subsequent legislative interim;
 - b) Priority is given to staff's respective drafting portfolio, agency assignments, or committee assignments over other legislative requests; and
 - c) It will be considered inappropriate conduct for a legislator to impress upon staff the unreasonable expectation that they are the personal assistants to an individual member.
- 3) Legislators can call or email staff at any time during legislative business hours, which may extend before or after the time period of 8:00 a.m. to 5:00 p.m., depending upon the start of committee meetings and adjournment of the House and Senate. Legislators can email staff any other time of the day or during the weekend, however:
 - a) During the hours of 7:00 p.m. to 7:00 a.m., members generally should not expect staff will reply to a message or respond to a legislative request.
 - b) Staff are aware that legislative deadlines and schedules may require them to respond at unusual hours, and they will use their professional best judgment when making such a determination.

Gifts and Other Materials

It will be considered inappropriate conduct for a legislator to give, or attempt to give, to an individual LRC staff member:

1. A gift;
2. Money; or
3. Books, pamphlets, or other written materials that could be viewed as an attempt to lobby staff or influence their beliefs.

The members of a legislative committee may informally decide to express their appreciation to committee staff, including LRC staff, by giving them a gift, valued at no more than \$50 as per the LRC personnel manual. Staff should not be criticized or treated differently if they decline a gift.

While unnecessary, food gifts for the LRC staff are permissible, provided the food is served in a box, platter, or tray given to the office, with each staff member having the choice to partake.

Possible Inappropriate Conduct

If LRC staff have reason to view legislative behavior to be inappropriate, that staff member will inform the respective supervisor and the Director. Assessing the facts and situation, the Director will decide whether the occurrence requires the attention of the legislator's respective presiding officer and caucus leader.

Legislative Procedure and Floor Action

All LRC staff are acquainted with the basics of the Redbook as adopted by the South Dakota Legislature and will be able to remind members of rudimentary procedure. Procedural questions that are complicated or novel in nature should be addressed to the Chief Research and Legal Analyst, the Chief Fiscal Analyst, the Deputy Director, or the Director. In instances of disputes over the application of the Legislature's procedure, the Director will advise staff and legislators as to the options, if any, that are available for the members to base their final determination.

During the period of February 15 – March 6, the presiding officers could inform the Director that LRC staff will be needed to staff the floor during the deliberations of the House or Senate. The presiding officers will give as much advance notice to the Director as possible so that staff's other obligations are met.

If a legislative house amends a piece of legislation with an amendment that was not prewritten, prior to the vote on final action, the presiding officer can temporarily defer the vote until the LRC staff have informed the presiding office that the oral amendment has been reduced to writing and entered in the Legislature's systems.

CC: Reed Holwegner, Director