

# **SOUTH DAKOTA LEGISLATURE**

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## Management and Performance Audit Legislative Research Council Staff

September 2013

Conducted by  
National Conference of State Legislatures

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## Executive Summary

In May 2013 the National Conference of State Legislatures (NCSL) entered into a contract with the Executive Board of the South Dakota Legislature to conduct a “Management and Performance Audit” of the Legislature’s Legislative Research Council (LRC) staff operations. This report presents the findings of that audit.

South Dakota’s LRC is the smallest central, nonpartisan state legislative staff agency in the nation. The LRC staff and their services constitute the backbone of all functions and activities of the South Dakota Legislature. Most South Dakota state legislators agree that the LRC staff are good at what they do. NCSL’s survey of all legislators indicates that they generally are positive about LRC performance, yet not overwhelmingly so. However, something has changed in recent years and the LRC and the effectiveness of its work product is under scrutiny by an increasingly active, demanding, attentive and often dissatisfied contingent of legislators. It also is clear that while some legislators remain satisfied with LRC performance, there is room at the LRC for improvement.

The preponderance of legislator complaints about the LRC focuses on two issues: quality and responsiveness. Quality concerns relate largely to bill and amendment drafting errors and a commonly held opinion that bill drafting quality has declined in recent years. Concerns about LRC responsiveness touch many aspects of LRC service. At one level, there is evidence that the LRC sometimes does not carry through on specific requests from leadership and the Executive Board. Responsiveness concerns also relate to the LRC’s strict interpretation of its nonpartisan status. Many legislators want and need a broad range of advice about the process, policy and sometimes politics. However, there is a sense among many members that the LRC sometimes restricts its contribution to legislative deliberation under the banner of nonpartisanship.

Finally, on the matter of responsiveness, NCSL received many comments from legislators that the fiscal division, while staffed with extremely talented people, could do a better job delivering the kind of data and analysis necessary to enable the Legislature to be more independent from the executive branch on budget issues. The majority of the legislature’s leadership share the concerns about quality and responsiveness issues at the LRC.

NCSL believes that a confluence of factors at the South Dakota Legislature and within the LRC have combined to create misunderstanding between staff and some members, break down trust between LRC management and legislative leaders and foster an environment that is detrimental to the maintenance of a strong, assertive and independent staff agency. These factors include:

- The impact of term limits, short session length and a long interim on staff/legislator relations;
- The absence of consistent oversight of and knowledge about LRC activities by the Legislature;
- The lack of effective employee performance standards and accountability;
- A laissez faire approach to staff leadership and management at the LRC;
- A predominant culture at LRC that often does not complement the demands of legislators and the Legislature; and
- The smallest legal/research/fiscal/computer staff size of any of the 50 states.

This report addresses each of these factors in detail and offers the following recommendations to help correct problems they have fostered. However, NCSL believes that there is no fix, cure or palliative that substitutes for or can be accomplished effectively without strong, committed, engaged leadership from the Legislature and from within the LRC.

**RECOMMENDATION 1:** Amend South Dakota statutes [see SDCL 2-9-3] and rules as required to establish the Speaker of the House and the Senate President Pro Tempore as rotating chairs of the Executive Board. The following language from the Kansas statutes [as modified for purposes of this report] offers guidance:

KSA 46-1201(b). In even-numbered years, the speaker of the House of Representatives shall be chairman of the [executive board], and the president [pro tempore] of the senate shall be vice-chairman thereof. In odd-numbered years, the president [pro tempore] of the senate shall be chairman of the [executive board], and the speaker shall be the vice-chairman.

**RECOMMENDATION 2:** Amend the South Dakota statutes by adding the underlined language to current law:

*SDCL 2-9-8. Employment of director and personnel--Supplies and equipment. The executive board is hereby authorized and empowered to appoint a director of the Legislative Research Council and employ such clerks, assistants, and other help and provide such supplies and equipment as may be necessary. The director of the Legislative Research Council may be removed from office by a two-thirds (2/3) vote of the members of the executive board or by a majority vote of both houses of the Legislature.*

**RECOMMENDATION 3:** Institute a regular and ongoing orientation and training program for each newly elected Executive Board designed to educate its membership about the roles and responsibilities of the Board and the activities of the LRC staff. This program should include an introduction to and discussion between the Executive Board and all LRC staff about staff structure, LRC services, legislative technology issues and planning, budget priorities, and other information that Executive Board members should possess about the LRC. The need for additional Executive Board member trainings, briefings or educational programming should be determined by the Executive Board chair in cooperation with the director of the LRC.

**RECOMMENDATION 4:** Develop new strategies at the LRC to inform and educate rank and file members about LRC services, staff, policies and procedures that expand on the basic information presented at the current new member orientation program and staff information available on the Legislature’s web site. Examples of potential strategies include: 1) a one- or two-page brochure that markets LRC services, provides key contact information and establishes the LRC as the Legislature’s exclusive staff resource; 2) an “institute” or briefing on the budget and budget process for interested legislators who do not serve on money committees; 3) one-on-one meetings between LRC staff and new members, perhaps in their districts, to build relationships and understanding about LRC services; or 4) an LRC response to legislators outlining how they are addressing issues and concerns raised in the annual legislator survey of LRC services.

**RECOMMENDATION 5:** Establish and adopt procedures for setting performance goals and conducting annual performance appraisals for all LRC employees, including the director.

**RECOMMENDATION 6:** Hold regular (at least quarterly) staff meetings attended by all LRC employees and convened by the LRC director designed to foster internal communication among LRC employees and review and discuss matters relevant to the performance of the LRC.

**RECOMMENDATION 7:** Develop official LRC personnel policies and procedures as deemed appropriate by the LRC director, with advice as required from appropriate human resources counsel, and seek the formal adoption of LRC personnel policies and procedures by the Executive Board. Each new Executive Board should conduct a review of LRC policies and procedures and adopt changes as recommended by Board members or the director of the LRC. Publish adopted LRC personnel policies and procedures into a single document in hard copy and on the Legislature’s website. Require all LRC employees to acknowledge receipt of a hard copy of the document, and of any subsequent revision to the document.

**RECOMMENDATION 8:** Create a formal LRC Management Team whose members are the LRC director, the chief research and legal analyst and the chief fiscal analyst. Require the Management Team to present in person to each new Executive Board a “state of the LRC” report and assessment which includes, at a minimum, the following items: a statement of current staff levels, personnel changes and personnel issues or concerns, if any; a response to issues or concerns raised by legislators in the annual member survey of LRC performance, including specific actions and goals designed to remedy those concerns, and deadlines for implementing those remedies; a report on current and proposed strategies and actions that promote the professional development of LRC employees including specific training goals and the accomplishment of those goals; an assessment of trends or “horizon” issues that may impact or affect the work of the LRC or the current Executive Board.

**RECOMMENDATION 9:** The LRC director and staff should engage in discussions with the Executive Board chair and legislative leaders of both political parties and both chambers that examine the nonpartisan practices of the LRC and that explore options and conditions that would allow the LRC to expand its services to include, among other practices, LRC staff participation in briefings before partisan caucus meetings while maintaining the full confidence of legislators and the Legislature in their nonpartisan credentials. Where agreements can be achieved, the LRC and the Executive Board should develop policies that define the parameters of these practices and that protect the nonpartisan image and status of the LRC.

**RECOMMENDATION 10:** Fund and fill a new drafting attorney position for the research and legal division of the LRC.

**RECOMMENDATION 11:** Fund and fill a new legal editor/proofreader position for the research and legal division of the LRC.

**RECOMMENDATION 12:** Fund and fill a new computer help desk/administrator position at the LRC.

## Introduction and Background

In May 2013 the National Conference of State Legislatures (NCSL) entered into a contract with the Executive Board of the South Dakota Legislature to conduct a “Management and Performance Audit” of the Legislature’s Legislative Research Council (LRC) staff operations. As stated in the original proposal, the study is designed to focus on the following objectives:

1. Review relevant managerial and operational aspects of the Legislative Research Council staff including staff structure, processes and procedures, and employee policies and management practices including the LRC’s overall effectiveness at meeting the needs of legislators and the Legislature as an institution. Compare to similar operations in other state legislatures and review best practices.
2. Explore and describe the feasibility of adding partisan staff employees to serve the four caucuses of the Legislature.
3. Make recommendations, if required, to legislative leadership and the Executive Board that are designed to improve staff effectiveness and accountability.

This report summarizes the findings of the NCSL study team and presents twelve recommendations based on those findings.

For the study, NCSL employed a methodology that it has used in dozens of other state legislatures for similar projects. The NCSL study team conducted 50 in-depth personal interviews with legislators, legislative staff and others to learn about and discuss key issues affecting the LRC. NCSL deployed an opinion survey to all 105 South Dakota state legislators with a return rate of almost 50 percent. In addition to these efforts, NCSL collected relevant, comparative data from the state legislatures listed in Table 1. These states and data are referenced throughout this report.

**Table 1: Comparative Legislatures with Size of Legislator Membership (House/Senate)**

Colorado (65/35)	Nebraska (49 Unicameral)
Idaho (70/35)	North Dakota (94/47)
Iowa (100/50)	Utah (75/29)
Kansas (125/40)	Vermont (150/30)
Montana (100/50)	Wyoming (60/30)

The study team also consulted with legislative staff directors from several neighboring states to South Dakota. Their input proved invaluable to the assessment of the LRC.

Finally, because the South Dakota Executive Board requested a “management audit” of the LRC, the NCSL study team adopted a focused collection of key benchmarks and best practice standards for assessing management at the LRC. These benchmarks and best practices are drawn from well-known and highly regarded public and private sector examples. Foremost among these best practices are ones derived from work conducted by the NCSL’s Legislative Staff Coordinating Committee and its efforts to consolidate ideas found in the Malcolm Baldrige performance criteria, the writings and research of Jim Collins and Peter Drucker, and in lessons learned through more than 25 years of NCSL experience conducting management consultations with state legislatures. Appendix A presents a summary of those benchmarks.

## General Findings and Conclusions

The LRC staff and their services constitute the backbone of all functions and activities of the South Dakota Legislature. Without the LRC, the Legislature could not operate or assert itself as an independent and effective branch of state government. LRC employees are talented professionals who are dedicated to their work. Many of them have been employed by the LRC for decades. NCSL interviewed each LRC employee and found them to be the kind of highly-skilled, hard-working professional experts that are common to state legislative workplaces.

Most South Dakota state legislators agree that the LRC staff are good at what they do. NCSL's survey of all legislators indicates that they generally are positive about LRC performance, yet not overwhelmingly so. NCSL interviews with legislators revealed differences among members about LRC services with some legislators voicing concerns about LRC responsiveness and quality, while other legislators expressed their satisfaction with the LRC's work. What is clear is that something has changed in recent years and the LRC and the effectiveness of its work product is under scrutiny by an increasingly active, demanding, attentive and often dissatisfied contingent of legislators. It also is clear that while some legislators remain satisfied with LRC performance, there is room at the LRC for improvement.

The preponderance of legislator complaints about the LRC focuses on two issues: quality and responsiveness. Quality concerns relate largely to bill and amendment drafting errors and a commonly held opinion that bill drafting quality has declined in recent years. Drafting quality is difficult to measure and NCSL did not undertake a detailed process review to discover error frequency rates in LRC drafting. However, our legislator interviews and surveys uncovered numerous and specific examples of drafting problems that most respondents believed were representative of a general decline in the quality of LRC drafting services in the past year. To be sure, several members also complimented the LRC's drafting services, but the frequency and specificity of legislator complaints in this area cannot be ignored. Senior staff at the LRC also acknowledge that there were problems with some bill drafts in 2013 but argue that this was "an unusual situation" brought on by a large volume of draft requests that arrived in December just prior to the session. Whatever the cause, drafting quality was a problem during the recent session. Unfortunately, little constructive conversation or problem solving between the LRC and legislators has taken place to help define the problem and correct it.

Concerns about LRC responsiveness touch many aspects of LRC service. At one level, there is evidence that the LRC sometimes does not carry through on specific requests from leadership and the Executive Board. One example regards the matter of conducting employee performance evaluations. At an August 23, 2010 meeting of the Executive Board, the LRC was

directed “to conduct yearly staff performance appraisals.” There is no evidence that this request was carried out. Also, according to legislative leaders, last year the LRC was requested by leadership to locate drafting staff in each chamber during floor session periods to help expedite the amendment drafting process. One leader commented, “they showed up for about two days and then they were gone.”

Responsiveness concerns also relate to the LRC’s strict interpretation of its nonpartisan status. Many legislators want and need a broad range of advice about the process, policy and sometimes politics. NCSL recognizes the critical importance for the LRC to maintain its nonpartisan credentials. However, there is a sense among many members that the LRC sometimes restricts its contribution to legislative deliberation under the banner of nonpartisanship. One specific example is the LRC’s rule against presenting information at partisan caucus meetings. This is not an uncommon restriction for nonpartisan staff. However, in the context of the South Dakota Legislature and its very limited staff resources for legislators, this restriction probably could be loosened without negative effect on the LRC’s nonpartisan status.

Finally, on the matter of responsiveness, NCSL received many comments from legislators that the fiscal division, while staffed with extremely talented people, could do a better job delivering the kind of data and analysis necessary to enable the Legislature to be more independent from the executive branch on budget issues. NCSL’s survey of legislators included the following statement, to which respondents could agree or disagree: *The LRC provides me with an independent source of fiscal/budget analysis and information.* This question received the lowest “agreement” rating of any item on the survey, and a breakdown of the responses show that members of the majority party are neutral on the question or disagree with it. Minority party members responded much more favorably to this statement. NCSL believes that the Legislature is too dependent on the executive branch and especially on the director of the state’s Bureau of Finance and Management (BF&M) for fiscal data and analysis. As one member summarized this concern, “We wish we had our own Jason Dilges (BF&M director).” This is not an unreasonable or unattainable wish.

It also is true that the majority of legislators have little direct interaction with the LRC’s fiscal staff and that this may explain, in part, the relatively low legislator rating cited above. Said one LRC fiscal staffer, “We spend 80 percent of our time working for one committee and a small group of members...the other rank and file members don’t participate and I have little interaction with them.” NCSL knows from its experience conducting many studies of legislative staff performance that legislator familiarity with and frequency of use of staff services almost always correlates positively with legislator satisfaction with those services.

The majority of the legislature's leadership share the concerns about quality and responsiveness issues at the LRC. There is a general feeling among many of them, and among many other legislators, that the LRC has become, in a word used by several members, "complacent." These feelings on the part of legislators are sometimes exaggerated, but they are not without merit. At the same time, it also is evident that LRC staff, for the most part, continue to maintain an admirable commitment to the Legislature and to work with skill and dedication on its behalf.

NCSL believes that a confluence of factors at the South Dakota Legislature and within the LRC have combined to create misunderstanding between staff and some members, break down trust between LRC management and legislative leaders and foster an environment that is detrimental to the maintenance of a strong, assertive and independent staff agency. These factors include:

- The impact of term limits, short session length and a long interim on staff/legislator relations;
- The absence of consistent oversight of and knowledge about LRC activities by the Legislature;
- The lack of effective employee performance standards and accountability;
- A laissez faire approach to staff leadership and management at the LRC;
- A predominant culture at LRC that often does not complement the demands of legislators and the Legislature; and
- The smallest legal/research/fiscal/computer staff size of any of the 50 states.

This report addresses each of these factors in detail and offers recommendations to help correct problems they have fostered. However, NCSL believes that there is no fix, cure or palliative that substitutes for or can be accomplished effectively without strong, committed, engaged leadership from the Legislature and from within the LRC.

### **Summary of Legislator Survey Results**

NCSL distributed a survey to all 105 South Dakota state legislators that solicited their opinions about LRC products and services. We received 50 responses for a response rate of nearly 48 percent. Survey respondents were asked to rate a series of statements about the LRC using the following scale: 5 = strongly agree; 4 = agree; 3 = neutral opinion; 2 = disagree; 1 = strongly disagree. "Agreement" indicated a positive rating for the service in question. The survey results indicate generally positive legislator support for the LRC and its services.

Overall ratings results for the key LRC services of bill drafting, amendment drafting, fiscal analysis and information technology services are in the range of 3.6 to 4.1. This indicates that, on average, all respondents are somewhat pleased with these services, but not overwhelmingly so. There is, however, a stark contrast in rating responses between majority and minority party respondents.

Majority party members rate the LRC and its services lower than minority party members on every item on the survey. Minority party respondents rate LRC services at 4 or above on every item on the survey. There may be many reasons for this clear difference of opinion between party members. One contributor to the mismatch in ratings might be related to the roles Republican party members play, due to their majority status, as committee chairs and institutional leaders. These roles hold the highest demand for LRC service and bring with them the responsibility for managing the legislature, its employees and its processes. These avenues of exposure to the LRC and a related dependence on its staff for key institutional services probably make majority party members more sensitive to the variations of LRC service quality and responsiveness.

On the other hand, in a one-party state like South Dakota, members of the minority party typically have less access to state government resources, heightening their dependence on available legislative staff for basic services and information. As one LRC staffer concluded, “The Dems only have us to go to.” This singular reliance on the LRC by minority party members may breed a special appreciation for the LRC’s role and work.

Appendices B and C present the survey instrument and a summary of the survey results.

## The LRC and the Legislature

South Dakota's Legislative Research Council represents the core staff resource at the South Dakota Legislature and provides legislators and their committees with critical operational services such as bill and amendment drafting, rules review, fiscal analysis, committee support, policy research and computer systems. A separate Department of Legislative Audit provides specialized financial audit services to the Legislature. The LRC, with 22 full time positions, is the smallest legislative staff agency of its kind in the 50 states. The next smallest is found in Wyoming with 33 staff working in similar roles.

Similar to many other state legislatures, the LRC is governed by a joint House and Senate legislative committee. In South Dakota this committee is known as the Executive Board, a 15-member legislative panel that operates only during the legislative interim. During South Dakota's session, the LRC staff report to the presiding officers of the House and Senate. The Executive Board and its operations are discussed in more detail later in this report.

The employees of the LRC are employed on an at-will basis. LRC employees and their conditions of employment are not subject to the state's civil service rules and regulations. The at-will employment status of legislative employees is common to all state legislatures and reflects the separation-of-powers philosophy that reigns in the American democratic system. State legislatures set their own conditions of employment for legislative staff, but also typically borrow heavily from executive branch practices, including benefits packages. The important point here is that the South Dakota LRC is an entity of the Legislature, which has the ultimate authority over its employees' working conditions including compensation, benefits, hiring, firing, promotion and discipline.

LRC staff are organized into four main groups of employees:

- **Research and Legal**—six staff including a “chief analyst” who serves as supervisor of the group. Primary responsibilities include bill and amendment drafting, rules review, committee staffing and general policy research. The position titled “Code Counsel” works closely with this group but has specific duties related to the preparation and maintenance of the statutes.
- **Fiscal**—five staff including a “chief fiscal analyst” who supervises the group. These staff prepare fiscal analyses, draft amendments and prepare other documents primarily for the Legislature's Appropriations Committee. They also write fiscal notes.
- **Administration/Technical**—two information technology staff who support the Legislature's computer systems, one editor and one financial officer responsible for payroll and accounting functions.

- **Support**—five clerical staff who support the committee and drafting functions of the LRC and who provide office support such as receptionist and general clerical duties.

A director oversees all LRC operations and serves as staff to the Executive Board. The director is responsible for the performance of the LRC and its daily work. He prepares and recommends an annual budget for the LRC, develops meeting agendas and other documents for the Executive Board and legislative leaders, and is the lead spokesperson for the LRC. The director and two chief analysts constitute the management group of the LRC. Table 2 illustrates South Dakota’s staff size compared to ten other state legislatures.

**Table 2: 10 State Comparison: Legislative Staff Size by Function\***

STATE	Research**	Legal	Fiscal	IT	Other	TOTAL
CO	26	41	31	15	22	135
ID	0	10	9	8	9	36
IA	0	31	20	21	19	91
KS	16	20	14	28	39	117
MT	13	13	18	14	21	79
NE	4	8	12	10	18	52
ND	2	8	9	4	14	37
UT	14	18	14	15	24	85
VT	0	15	10	5	10	40
WY	9	9	4	5	6	33
<b>SD</b>	0	7	5	2	8	22

\*data for functions similar to those performed at the LRC. Numbers do not necessarily reflect all staff employed by these legislatures.

\*\*In some legislatures, as in South Dakota, the same staff perform both legal and research duties. This table lists those staff under the “Legal” column.

The nonpartisan LRC is a small but recognizable example of the standard practice for staffing a legislature like South Dakota’s, that meets for relatively short sessions and that considers itself a “citizen legislature.” The LRC structure, focused around bill drafting and budget functions and led by a director, is a common organizational approach. The central, nonpartisan philosophy of staffing is both an efficient and effective staffing choice for the South Dakota Legislature.

### **Additional Comparative Context**

As mentioned above, South Dakota’s Legislature is among a group of state legislatures that are known as “citizen legislatures” or part-time legislatures. These state legislatures meet for short sessions, have relatively small staffs, pay their members relatively low salaries and place fewer demands on the time of legislators. In many ways, the South Dakota Legislature is the

epitome of the citizen legislature brand. The following two tables provide some additional context to that assertion and provide a backdrop for further discussion of the LRC.

Table 3 shows the average number of bills introduced and enacted per year for the period 2006 -2011 for the ten comparison legislatures selected for this study. During that period, the South Dakota Legislature introduced, on average, 492 bills per year. This is the second lowest number of introductions among our comparative states and ranks South Dakota fourth lowest in the nation during that period behind Wyoming, Alaska and Delaware, respectively. In 2012, a total of 471 bills were introduced in South Dakota and 492 were introduced in 2013. South Dakota historically enacts about 50 to 55 percent of the bills it introduces.

While there is no reliable metric for measuring and comparing legislative staff workload, it is useful to look at bill introduction and enactment volume as an indicator of relative demand on staff resources. Bills in process drive almost all legislative activities. The more bills there are in the system, the higher the demand on drafters, committee staff, fiscal analysts and just about every person engaged in the legislative process.

**Table 3: Average Number of Bills Introduced and Enacted Per Session: 2006-2011**

<b>STATE</b>	Average Annual Bill Introductions (2006 - 2011)	Average Annual Bill Enactments 2006-2011	Percent Enacted
CO	709	452	64%
ID	616	381	62%
IA	1498	198	13%
KS	745	172	23%
MT	1229	254	21%
NE	582	242	42%
ND	970	287	30%
UT	664	403	61%
VT	544	403	74%
WY	288	151	52%
<b>SD</b>	<b>492</b>	<b>265</b>	54%

Session length is another key measure of activity in state legislatures. Citizen legislatures like South Dakota’s tend to have shorter sessions. Full time legislatures like those in New York, Illinois and Pennsylvania meet all year and do not have an interim period that is common to citizen legislatures. Table 4 lists the session length for the ten legislatures selected as comparison

legislatures for this study. As it illustrates, South Dakota has one of the shortest session lengths among the group. It is no surprise, also, that South Dakota’s legislative session is one of the shortest in the nation.

**Table 4: Maximum Session Length in Ten State Legislatures**

<b>State</b>	<b>Session Length</b>
Colorado	120 calendar days
Idaho	No limit on session length, but typically adjourns early April
Iowa	Odd years-110 calendar days Even years-100 calendar days (indirect)
Kansas	Odd year-No limit on session length, but typically adjourns in early June Even years-90 calendar days
Montana	90 legislative days (Biennial Sessions)
Nebraska	Odd years-90 legislative days Even years-60 legislative days
North Dakota	80 legislative days (Biennial Sessions)
Utah	45 calendar days
Vermont	No limit on session length, but typically adjourns in early May
Wyoming	Odd years-40 legislative days Even years-20 legislative days
<b>South Dakota</b>	<b>40 legislative days</b>

Bill activity and session length are two factors that have direct impact on staff workload and legislator expectations for staff performance. In South Dakota, as in other states, staff are working at peak load just prior to and during the legislative session. Work slows down after session and during the interim period between sessions, a cycle common in almost all citizen legislatures. The data presented in Tables 3 and 4 are consistent with South Dakota’s choice to maintain a very small, centralized and nonpartisan staff agency.

One more data comparison will help complete the context for assessing the LRC and its role at the South Dakota Legislature. The U.S. Census Bureau, in its annual report on state governmental finances, includes a category on “legislative expenditures.” The Census report is a reliable resource for interstate comparison and general analysis of spending trends in the states. Table 5 lists the legislative expenditure data for Fiscal Year 2011 (the most recent available) for the ten comparison states used in this study.

**Table 5: Legislative Expenditures, FY11, for Ten Comparison States**

STATE	Legislative Expenditures FY11	National Ranking 50 States
CO	\$ 24,578,000	36
ID	\$ 11,601,000	46
IA	\$ 30,800,000	31
KS	\$ 21,791,000	38
MT	\$ 18,740,000	41
NE	\$ 16,704,000	42
ND	\$ 13,585,000	44
UT	\$ 12,091,000	45
VT	\$ 9,536,000	48
WY	\$ 8,680,000	49
SD	\$ 4,393,000	50

Source: United States Bureau of the Census

The data in Table 5 offer a fairly dramatic perspective on legislative operations in South Dakota. By a wide margin, South Dakota spends less on its legislature than any other state in the nation. Wyoming ranks 49<sup>th</sup>, but spends almost double the amount on its legislature compared to South Dakota. The South Dakota Legislature is a very small, very part-time and relatively inexpensive operation. This outcome is consistent with the “small government” philosophy of the state, its citizens and its political leaders.

## Changing Perspectives on the LRC

Each year the LRC publishes an excellent “Statistical Comparison” that presents an abundance of interesting historical data on the Legislature’s internal makeup, operations and activities. A review of the Spring 2013 edition of the report might cause the reader to conclude that very little has changed at the South Dakota Legislature over the past several decades. The membership has turned over but its demographic profile is remarkably consistent. Party control has remained with the Republican Party for almost 20 years. Bill introduction volume remains largely unchanged and bill distribution among the committees remains consistent with historic averages. With only a few exceptions (such as the recent and dramatic increase in House Commemorations), the report paints a picture of historical consistency, routine and business as usual.

The overall picture of consistency and business as usual portrayed by data in the Statistical Comparison is mirrored in the behavior, practices and approach to work exhibited by the LRC. Many of the staff have worked at the LRC for decades and have largely occupied the same roles during those years. One exception is computerization and the impact of technological change on the legislative process and on the expectations of legislators. In general, over the years the LRC has offered a familiar, consistent and, arguably, effective resource to the Legislature and its membership.

Through the course of the last few years a mismatch has developed between the routine approach to service practiced by the LRC and the service expectations of many legislators and legislative leaders. NCSL’s survey of all South Dakota legislators and interviews with legislative leaders and members in both chambers and political parties reveal a difference of opinion among legislators regarding the quality of service and responsiveness of the LRC. The LRC has a strong core of support among many legislators, but the predominant view—and one that the NCSL study team believes is accurate—is that, at a minimum, cracks are forming in the once-solid service delivery and reputation of the LRC. These cracks, mostly related to quality and responsiveness, need to be shored up and repaired. However—and this is a crucial point—the responsibility for positive change does not sit only with the LRC. Legislators and legislative leaders also must participate in and contribute to efforts that improve the LRC and its services.

Legislators must be more assertive and consistent in their oversight role of the LRC and, as NCSL will recommend later in this report, they should change the process for selecting the chair and vice chair of the Executive Board in order to create a more consistent and authoritative oversight body. Legislators and legislative leaders must also become better informed about LRC operations. They need to hone their understanding about the workflow at the LRC and how their

demands impact the ability of LRC staff to respond effectively to their requests during peak workload periods. Legislative leaders and the Executive Board must articulate clear expectations to the staff and hold staff accountable to those expectations. At a more fundamental level, strategies should be developed that bring members and LRC staff together more frequently so that they can get to know each other better.

## **Term Limits**

No examination of the South Dakota Legislature and the LRC is complete without an acknowledgement of term limits and their impact on the institution. Term limits bring with them a raft of intended and unintended consequences for state legislatures. NCSL believes that, in general, term limits are detrimental to legislative effectiveness and weaken the legislature in its efforts to be a co-equal branch of state government. Term limits tend to undermine the role of legislative leaders and create new challenges for staff whose roles must adapt to accommodate the needs of less experienced legislators.

Term limits began to take effect in South Dakota in 2000, and it probably is no coincidence that a decade or so later problems have started to crop up between the LRC and legislators. Prior to term limits, the LRC could more easily develop long-standing relationships with key legislators who knew the process, understood the LRC and who developed a collegial sense of shared purpose with LRC staff. Term limits changed most of that.

NCSL's legislator interviews revealed fairly broad misunderstanding or lack of information about the LRC among both rank and file members and legislative leaders. Many members, we believe, may not understand that the LRC is exclusively a legislative agency and that its staff are employed by the Legislature, not by the executive branch. One former legislative leader was surprised to learn from us that the LRC staff are at-will employees.

Among other effects, term limits tend to erode the ability and willingness of legislators to learn about and attend to their institutional roles and duties. Legislators simply are not around the process and institution long enough to learn these nuances of the job, focusing their preciously limited time on their policy priorities. In South Dakota's very part-time legislature, term-limited legislators have little time available to be in Pierre where they can develop a better understanding and connection to the LRC staff.

Term limits will not go away. They remain popular with the public, despite the obvious problems that come with them. However, their impact is very much at the heart of problems that exist between the LRC and a large cohort of its client base. Efforts to improve this relationship and LRC services need to recognize how term limits have changed the environment in Pierre. Both the LRC staff and South Dakota legislators need to adapt to overcome the challenges of term limits.

### **The Goal: Rebuild the Trust**

The legislator-staff relationship, like all relationships in the legislative environment, is built on trust. When there is trust, things move faster and more efficiently and the legislature is more effective in its work. Clearly, trust has broken down between the LRC and many of its legislative clients. All of NCSL's recommendations are designed with one overarching goal in mind—to rebuild and maintain that trust.

## LRC Oversight and Accountability

South Dakota statutes authorize the Executive Board of the State Legislative Research Council to hire staff to support the nonpartisan functions and goals of the LRC.

*SDCL 2-9-8. Employment of director and personnel--Supplies and equipment. The executive board is hereby authorized and empowered to appoint a director of the Legislative Research Council and employ such clerks, assistants, and other help and provide such supplies and equipment as may be necessary.*

The broad employer role set out in SDCL 2-9-8 establishes the Executive Board as the sole hiring and firing authority for LRC staff. By implication, this authorization includes the responsibility for overseeing and maintaining effective LRC operations and holding the LRC and its staff accountable to standards of performance as defined by the Board's membership. Unfortunately, there is little evidence that the Board has established clear performance standards for the LRC or held LRC staff accountable when performance problems occur. There are no current and official personnel policies that guide staff performance and expectations. NCSL was given a 1999 edition "Personnel Manual" for the LRC. This appears to be the most recent version of this document. According to the LRC director, the 1999 document is dormant and not in effect.

An annual survey of members about LRC performance offers one of the only examples of systematic staff review by the Executive Board. This survey is sent to legislators at the end of each session with the results tabulated and reported by the LRC director. Unfortunately, its results or the reporting of its results have been held suspect by the Executive Board and legislative leaders. Recent iterations of the survey have been collected by the Executive Board chair or by the presiding officers rather than by the LRC director. NCSL reviewed copies of the March 2013 surveys completed by Senate members. The responses contain useful feedback for LRC staff. It is unclear, however, how or when these results are discussed or used by the Executive Board to inform and guide future staff activities.

As stated earlier, the Executive Board's 2010 effort to institute employee performance evaluations at the LRC was not implemented. As far as NCSL can determine, there were no repercussions for LRC management for this failure to follow an Executive Board request.

Legislative leaders also seem reluctant to establish or enforce performance expectations for LRC staff. Their request, mentioned previously, that LRC place staff in the chambers during

floor sessions was essentially ignored by the LRC, yet there is no evidence of any consequences for or follow-up to this LRC decision.

Another legislator concern regards the working hours of LRC staff. Some legislators are frustrated that staff arrive after committees begin meeting on some mornings. “I don’t know where staff is or when they’re coming in,” complained one legislator. This would seem to be an easy problem to resolve by simply making it clear that the LRC should have a contingent of staff in the Capitol building whenever legislators are present and conducting official business. Yet the only policy that exists is the following one found in the now defunct 1999 Personnel Manual:

*Section 3. A. The normal work week for LRC employees is 40 hours per week from 8:00 a.m. to 5:00 p.m. Monday through Friday. Lunch is one hour from 12:00 noon to 1:00 p.m. One 15-minute break in the morning and one in the afternoon is allowed. Regardless of the regular work hours established for a particular position, an employee must be in regular attendance.*

It is likely that the term-limited legislators who voice concern about LRC work hours have never seen this policy and if they did, they might consider it archaic and think it ill-suited to the modern legislative work environment. Many current LRC staff, however, whose tenure may stretch back to 1999 and before, might consider this work hour statement as the reigning standard for their performance. Unfortunately, for over 20 years these historic practices and guidelines have been infrequently revisited or updated to reflect a term-limited legislature and more complex workplace and clientele. There is a mismatch between the expectations of many legislators and the traditions and culture of the LRC. The Executive Board and legislative leaders have been slow to react to this fact and to undertake discussions and actions designed to close the gap.

NCSL believes there are institutional, cultural and political factors that frustrate the Executive Board and legislative leaders’ ability to bring consistent attention and accountability to LRC performance. The following recommendations seek to promote stronger legislator oversight of the LRC.

### **Strengthen the Oversight Role of the Executive Board and Legislative Leaders**

The session and interim are two distinct seasons in the annual cycle of the South Dakota Legislature. During session, the Senate President Pro Tempore and Speaker of the House are the institutional leaders. At the conclusion of the session, the institutional leadership formula changes. At the beginning of the interim period, the 105 members of the Legislature become

known as the State Legislative Research Council and each caucus elects members to serve on the Executive Board of the Council. The Executive Board then elects a chair from among its membership. During the session, the LRC staff report to the two presiding officers and during the interim they report to the Executive Board and its chair. This split situation weakens the ability of the Legislature to exercise consistent oversight of LRC operations.

**RECOMMENDATION 1: Amend South Dakota statutes [see SDCL 2-9-3] and rules as required to establish the Speaker of the House and the Senate President Pro Tempore as rotating chairs of the Executive Board. The following language from the Kansas statutes [as modified for purposes of this report] offers guidance:**

**KSA 46-1201(b). In even-numbered years, the speaker of the House of Representatives shall be chairman of the [executive board], and the president [pro tempore] of the senate shall be vice-chairman thereof. In odd-numbered years, the president [pro tempore] of the senate shall be chairman of the [executive board], and the speaker shall be the vice-chairman.**

In an era of term limits, consistency in leadership becomes paramount to the effective oversight of the LRC and other institutional matters. NCSL believes that the presiding officers, as elected by their respective bodies, should maintain their roles as institutional leaders throughout the year. The LRC deserves and requires this consistency. This change will allow the Legislature and the staff at the LRC to establish a more productive, streamlined and transparent working relationship. Other functions of the Executive Board should also benefit from this change.

NCSL believes that legislative institutions depend on strong leadership to be effective. The current practice of split oversight of the LRC militates against that goal. RECOMMENDATION 1 offers an important remedy to the split oversight problem and responds in an effective way to the management challenges faced by a term-limited legislature.

### **Clarify the Personnel Role of the Executive Board**

RECOMMENDATION 2 clarifies the oversight role of the Legislature and the Executive Board regarding the authority to employ the director of the LRC. The amendment borrows from language found in similar authorizing statutes in Kansas and Utah and essentially restates powers already implied by existing law. However, the addition of a specific two-thirds vote requirement is new and offers important clarification, currently absent in the law, about the conditions of employment of the director. This supermajority requirement protects the director from arbitrary action by the executive board and also provides clear guidance to the Legislature about its oversight role with respect to this key staff position.

**RECOMMENDATION 2: Amend the South Dakota statutes by adding the underlined language to current law:**

*SDCL 2-9-8. Employment of director and personnel--Supplies and equipment. The executive board is hereby authorized and empowered to appoint a director of the Legislative Research Council and employ such clerks, assistants, and other help and provide such supplies and equipment as may be necessary. The director of the Legislative Research Council may be removed from office by a two-thirds (2/3) vote of the members of the executive board or by a majority vote of both houses of the Legislature.*

## **Expand Communication about LRC Services and Operations**

One undeniable consequence of term limits is their impact on the role of legislative staff and the increased need for staff to adopt new responsibilities as educators to term-limited legislators. Although it is clear that LRC staff perform an educational role for legislators, RECOMMENDATIONS 3 and 4 address the need for the LRC to become more assertive and strategic in its educational efforts. This will require a cultural shift at the LRC that emphasizes a more proactive approach to their work.

**RECOMMENDATION 3: Institute a regular and ongoing orientation and training program for each newly elected Executive Board, designed to educate its membership about the roles and responsibilities of the Board and the activities of the LRC staff. This program should include an introduction to and discussion between the Executive Board and all LRC staff about staff structure, LRC services, legislative technology issues and planning, budget priorities, and other information that Executive Board members should possess about the LRC. The need for additional Executive Board member trainings, briefings or educational programming should be determined by the Executive Board chair in cooperation with the director of the LRC.**

**RECOMMENDATION 4: Develop new strategies at the LRC to inform and educate rank and file members about LRC services, staff, policies and procedures that expand on the basic information presented at the current new member orientation program and staff information available on the Legislature’s web site. Examples of potential strategies include: 1) a one- or two-page brochure that markets LRC services, provides key contact information and establishes the LRC as the Legislature’s exclusive staff resource; 2) an “institute” or briefing on the budget and budget process for interested legislators who do not serve on money committees; 3) one-on-one meetings between LRC staff and new members, perhaps in their districts, to build relationships and understanding about LRC services; or 4) an LRC response to legislators outlining how they are addressing issues and concerns raised in the annual legislator survey of LRC services.**

The philosophy of staffing represented by the “9 to 5” work hour policy in the 1999 LRC Personnel Manual does not match up well to the demands and needs of South Dakota’s term-limited Legislature. NCSL disagrees with legislators who label the LRC staff as complacent. This description more likely reflects, as suggested earlier, a cultural divide between these members and LRC staff. What is clear, however, is that responsibility for closing this divide remains largely with the LRC staff. The legislative members are LRC customers. If they don’t find what they want and need at the LRC, they will (and sometimes do) go elsewhere for support.

## LRC Personnel Policies and Management Practices

Professional legislative staff organizations like the LRC are places where people make their careers and find expression for their skills and talents. These legislative workplaces, while unique in the nature of their products and services, require the same kinds of leadership and management practices as any other organization in order to remain focused on excellence and responsive to customer needs.

Unfortunately, the LRC has abandoned many essential management practices in recent years. The 1999 LRC Personnel Manual suggests that at one time the LRC recognized the benefits of formal personnel policies, an employee performance appraisal system and a statement of key office procedures. There is no evidence that any of the practices or policies found in the 1999 Manual currently are in effect or enforced. This is certainly true of the employee performance appraisal policy found in the Manual. The Manual sets out the following requirements:

*Employee performance appraisals, in a manner determined by the director, are conducted annually for purposes of employee development and improving work performance.... An employee's immediate supervisor conducts the review.*

As described earlier in this report, in 2010 the Executive Board made a specific request of the LRC to conduct employee performance appraisals. NCSL cannot determine if these appraisals were reinstated at that time, but if they were the practice also was quickly dropped. No appraisals are conducted today.

The cumulative result of the apparent abandonment of formal personnel practices and policies is an LRC that lacks active and routine internal communication about its performance both at the individual and group level. There are few formal mechanisms that allow employees to exchange information, discuss and solve problems together, suggest new ideas, scan the horizon to identify trends or potential work issues or set individual or organizational goals. There also seems to be little opportunity for the LRC staff to collectively celebrate their successes.

The following recommendations outline several “best practices” that should become routine practice at the LRC:

**RECOMMENDATION 5: Establish and adopt procedures for setting performance goals and conducting annual performance appraisals for all LRC employees, including the director.**

**RECOMMENDATION 6: Hold regular (at least quarterly) staff meetings attended by all LRC employees and convened by the LRC director designed to foster internal communication among LRC employees and review and discuss matters relevant to the performance of the LRC.**

**RECOMMENDATION 7: Develop official LRC personnel policies and procedures as deemed appropriate by the LRC director, with advice as required from appropriate human resources counsel, and seek the formal adoption of LRC personnel policies and procedures by the Executive Board. Each new Executive Board should conduct a review of LRC policies and procedures and adopt changes as recommended by Board members or the director of the LRC. Publish adopted LRC personnel policies and procedures into a single document in hard copy and on the Legislature’s website. Require all LRC employees to acknowledge receipt of a hard copy of the document, and of any subsequent revision to the document.**

**RECOMMENDATION 8: Create a formal LRC Management Team whose members are the LRC director, the chief research and legal analyst and the chief fiscal analyst. Require the Management Team to present in person to each new Executive Board a “state of the LRC” report and assessment which includes, at a minimum, the following items: a statement of current staff levels, personnel changes and personnel issues or concerns, if any; a response to issues or concerns raised by legislators in the annual member survey of LRC performance, including specific actions and goals designed to remedy those concerns, and deadlines for implementing those remedies; a report on current and proposed strategies and actions that promote the professional development of LRC employees including specific training goals and the accomplishment of those goals; an assessment of trends or “horizon” issues that may impact or affect the work of the LRC or the current Executive Board.**

RECOMMENDATIONS 5 through 8 establish a foundation of management practices designed to reinvigorate the LRC workplace and re-engage LRC employees in strategic conversations about their performance and the performance of the organization. They also provide a structure that helps promote and maintain optimum individual and group performance and provide employees with important workplace tools and information. These recommendations also protect the Legislature by providing documentation about employee performance issues and by setting clear expectations in formal policy about workplace rules and expectations.

The LRC is, as illustrated earlier in this report, a small legislative staff organization. Its size allows for the possibility of substantial informal communication and exchange about performance issues. Legislative staff managers in these settings often argue that formal performance reviews and personnel policies are unnecessary and only serve to burden already busy people with additional paperwork. The NCSL study team understands and sympathizes with this common attitude. But we also emphatically disagree with it. We especially recognize the

power and necessity of formal employee performance appraisals. Employees want to know what is expected of them and they especially want feedback about how they are doing in meeting those expectations. This can only be accomplished effectively when managers and their employees sit down together with the intention to establish performance goals and discuss employee progress toward meeting those goals. It isn't easy to do. An effective process will need to be developed that works for the LRC. Supervisors will need to be trained in developing effective goal statements and conducting productive evaluation meetings. Most important, the leadership team at the LRC will need to be unequivocally supportive of the exercise. Without their active and demonstrated endorsement and participation, none of these recommendations stand much chance for success.

## LRC Capacity and Culture

This section of the report addresses several areas that require comment but for which NCSL offers few formal recommendations.

### Nonpartisanship at the LRC

NCSL is a strong supporter and advocate for the nonpartisan approach to legislative staffing. Nonpartisan staff are a common and historic tradition in many state legislatures, including each of the ten comparative states selected for this study. The nonpartisan option is cost efficient and promotes an unparalleled level of expertise and professionalism among legislative staff. It is the appropriate staffing philosophy for South Dakota.

The nonpartisan ethic and staffing philosophy is being tested in many state legislatures. Today's legislators seem more and more likely to expect a new, expanded and more engaged kind of service that some staff think may force them to compromise their nonpartisan status. NCSL has witnessed this trend for several years and numerous conversations have been held on the topic at NCSL meetings, including at NCSL's 2013 Legislative Summit.

NCSL believes that some legislative staff agencies adhere to a practice of nonpartisan staffing that may prohibit them from offering and delivering services that today's legislators want and need. It is possible, for example, for a nonpartisan staff person to offer various kinds of policy advice to a legislator without violating the nonpartisan ethic. It is possible, as NCSL has witnessed in some legislatures, for nonpartisan staff to attend meetings of legislative party caucuses and still maintain their nonpartisan credentials. One legislator summed it up nicely: "The LRC staff are good experts [who] need to feel freer to talk about issues and help us solve problems."

**RECOMMENDATION 9: The LRC director and staff should engage in discussions with the Executive Board chair and legislative leaders of both political parties and both chambers that examine the nonpartisan practices of the LRC and that explore options and conditions that would allow the LRC to expand its services to include, among other practices, LRC staff participation in briefings before partisan caucus meetings while maintaining the full confidence of legislators and the Legislature in their nonpartisan credentials. Where agreements can be achieved, the LRC and the Executive Board should develop policies that define the parameters of these practices and that protect the nonpartisan image and status of the LRC.**

### Service Ethic at the LRC

The LRC is a traditional staff agency and adheres to a philosophy of service and dedication to the legislative institution and its members that is both admirable and sometimes restrictive. Nonpartisan legislative staff are schooled in and are bonded by an ethic of service that

emphasizes extraordinary deference to legislators and a tradition biased toward reactive engagement with them. Nonpartisan staff have been taught to provide excellent service, but only when asked. Today's legislators demand not only new kinds of services from staff, but also a different approach to service that anticipates their needs.

The LRC staff is not alone in this dilemma about service and the changing demands of legislators. It is a challenge faced by nonpartisan legislative staff in many states. Hopefully, this matter will become one of the topics discussed at future all-staff LRC meetings (see RECOMMENDATION 6). It is imperative that this conversation begin and that the LRC staff—and especially its more senior employees—take a fresh look at more proactive ways to deliver value to their clients.

### **Additional Staff at the LRC**

NCSL believes that the LRC is too small to accommodate the growing and changing demands and expectations of South Dakota state legislators. This also is an opportune time to add staff in two strategic areas with high service demand and succession planning needs. As illustrated previously, the South Dakota Legislature employs the smallest central staff in the nation. Even with the additions suggested below, it will maintain that notable status.

#### ***Add Two FTEs to LRC Research and Legal Division***

Effective bill drafting services are essential to the Legislature. Most complaints about LRC service relate to bill and amendment drafting problems. It also is likely that in the next several years, the LRC will lose through retirements a substantial amount of institutional skill and knowledge in this critical service area. Now is the time to invest in new talent and to get that talent trained to fill the inevitable void created by future retirements.

NCSL believes that the LRC and its drafting services will benefit by the addition of another attorney to the drafting team. The addition of a professional editor/proofreader also will help streamline and make more efficient a process that currently gets bogged down due the concentration of editorial responsibility with one of the staff's most talented and prolific drafters. The LRC employed two proofreaders at one point in its history. It should return to a similar practice.

**RECOMMENDATION 10: Fund and fill a new drafting attorney position for the research and legal division of the LRC.**

**RECOMMENDATION 11: Fund and fill a new legal editor/proofreader position for the research and legal division of the LRC.**

### *Add One FTE to Information Technology Team at LRC*

No area has changed more or presented more new demand on state legislatures in recent years than the rapid advance and application of information technology. South Dakota's legislature, like most others, is in a race to keep up with new technology-based opportunities for process efficiency and streamlining. Many legislators are comfortable with new electronic devices and applications and have expectations about using them in their legislative work. All of this poses unprecedented challenges for legislative information technology professionals.

The LRC's IT staff received some of the highest ratings in NCSL's survey on service-related questions. This is impressive given the extremely small size of this group. Some legislators also complimented the work of temporary college workers who helped legislators with computer issues at the beginning of the session. These legislators lamented the fact that the college helpers were only temporary and did not stay for the entire session.

NCSL believes there is good reason now to add resources in this area. First, the workload for staff in the area IT development, systems implementation and legislator support will only grow in coming years. Second, the experience with the college workers suggests that legislators want and need an expanded help desk resource. Finally, over time, the Legislature should develop a more robust and independent computer system for exclusive use of its staff and members and reduce its reliance on executive branch IT systems and support. This new LRC staff position will be critical to helping build that independence.

**RECOMMENDATION 12: Fund and fill a new computer help desk/administrator position at the LRC.**

### *Interim Activities at the LRC*

The legislative interim is naturally and traditionally a quieter and less demanding time for legislators and legislative staff. Over the past few decades, however, most state legislatures have expanded their use of the interim to include more routine committee work, policy study and oversight activities. This trend appears to be only marginally in effect in South Dakota. In the 2013 interim, records show that 10 committees, boards or task forces met or were scheduled to meet for a total of 41 meetings over the eight month period. Nine of the ten groups required the attendance of LRC staff. The most active of these groups were the Domestic Abuse Study Committee, Executive Board and the Rules Review Committee.

In addition to staffing meetings during the interim, LRC staff prepare a number of session summaries and reports, review proposed rules and write issue memos. Issue memos appear to be

the primary LRC format for delivering research results to legislators. Issue memos vary in length and depth of analysis, but follow a familiar format and approach. Past issue memos are available to legislators and the public on the Legislature's website. Between 1994 (when NCSL believes the issue memo format was created) and 1999, the LRC issued an average of over 30 issue memos per year. In 2000, issue memo production dropped to only 8 and LRC production of issue memos averaged just over four per year from 2000 to 2005. Since 2005, the LRC produced 13 issue memos, not including any written during the current interim period.

Although NCSL did not conduct a year-to-year analysis of the volume of South Dakota interim activities or LRC products, the available data indicate that demands on LRC staff during the interim have not changed much over the years or have possibly declined slightly. One reason for this is that legislators, who have other jobs and responsibilities, are not available for extensive participation in legislative work during the interim. This is reasonable and, to a large degree, drives the demand for service from LRC staff. As one LRC staff person put it, "We do very little because there's very little demand."

It also is true, NCSL believes, that the LRC has not used the interim as an opportunity to consider the development and delivery of new or enhanced services to legislators. The decline in production of issue memos may have its roots in solid reasoning. It is as important to abandon old practices that do not work as it is to develop and implement new ideas. Yet, in the case of the issue memo, there is no evidence that any new research service or product replaced it. As one veteran legislator commented to us, legislators want the LRC to help "make us smarter." The interim offers LRC staff a golden opportunity to pursue that goal.

NCSL has recommended that the LRC hire additional staff. The first question any legislator will ask—and should ask—is what will they do during the interim? NCSL believes that there is plenty of work to do for this small group of professionals, numerous opportunities to serve the institution and its members, and no shortage of new options available to LRC staff that can help strengthen the Legislature, improve its effectiveness and educate legislators on important issues. It will take leadership and creativity from the Executive Board and from the LRC management team, but it is clear that LRC staff are ready and able to contribute new ideas, products and services to the LRC interim portfolio.

## Partisan Staff

The Executive Board specifically asked NCSL to assess the feasibility of adding partisan staff to the staffing structure and approach at the South Dakota Legislature. NCSL believes that the LRC, with enhancements in practice and the addition of just a few new staff positions as described in the recommendations presented above, is an adequate and appropriate source for staff services. Partisan staff are not required to fulfill the kinds of services desired by legislators and legislative leaders. However, as argued in this report, both the LRC and legislative leaders must work together to establish and clarify LRC service expectations and develop a revised philosophy of engagement with legislators—all while protecting the essential nonpartisan credentials of the LRC and its staff. This can be done.

NCSL interviews with legislators indicated a strong bias among most of them against the creation of partisan staff offices at the Legislatures. Many legislators also had a misunderstanding about how a partisan staff operation might work, with many thinking it would be an extension of the LRC. This is not an approach that would be functional. Instead, where partisan staff exist in citizen legislatures similar to South Dakota's, they usually are hired by and work directly for the presiding officers and minority leaders in each chamber. Many partisan staff in citizen legislatures are jacks-of-all-trades, offering their bosses and caucus members a full range of planning, scheduling, research and sometimes limited media-relations services.

NCSL believes that this kind of staffing is redundant and unnecessarily expensive for South Dakota. We also believe that it is important to first shore up and expand the services available at the LRC before making any additional staffing decisions. If it becomes the case that a reinvigorated and better purposed LRC cannot adequately fulfill the needs of the legislative party caucuses, then it will be time to revisit this question.

## Conclusion

The South Dakota Legislative Research Council (LRC) staff is an experienced, talented and capable group of professionals. Although it is the smallest legislative staff agency of its kind in the 50 states, the LRC provides a full range of services to South Dakota state legislators including legal drafting, budget analysis, policy research, committee staffing and information technology support. Due largely to term limits, the LRC also plays a growing role as the institutional memory of the Legislature and guardian of its history, traditions and physical space at the Capitol.

Term limits, rapidly evolving technology and other trends have impacted the legislative workplace and altered the demands and expectations that legislators have of the LRC staff. Unfortunately, the LRC has not kept pace with this changing landscape and the quality and responsiveness of some of its services have suffered. The Legislature's Executive Board and legislative leaders also have missed opportunities to set clear objectives for the LRC and enforce accountability when LRC services and performance have not met expectations.

At the most fundamental level, the issues at the LRC and the Legislature are about communication and trust. NCSL's recommendations are designed to institute a more vigorous and substantive dialog between the LRC and legislators about performance and LRC services. The recommendations also support a more structured and strategic conversation within the LRC about individual and group work objectives. Finally, the recommendations call for the addition of staff positions in critical LRC service areas. If implemented, NCSL believes that South Dakota legislators and staff will build a renewed sense of trust and be better equipped to move forward toward their shared vision of a strong and independent Legislature.

## **APPENDIX A: NCSL LEGISLATIVE STAFF ORGANIZATION ASSESSMENT STANDARDS**

**NOTE: This document was prepared by NCSL staff in cooperation with members of NCSL’s Legislative Staff Coordinating Committee to serve as a guide for completing an internal assessment of legislative staff organizational performance. The standards and best practices featured in this document constitute benchmarks used by NCSL in its assessment of the South Dakota Legislative Research Council staff.**

### **Leadership**

Most experts on organizational development agree that effective leadership is one of the key predictors of organizational effectiveness. This section of the self-assessment therefore focuses on those critical aspects of leadership practice and approach that experts agree are essential to organizational success. The self-assessment makes a distinction between leadership and management. Management assessment criteria appear in later sections of this document.

The subject of leadership takes many forms in the state legislative environment. Legislative leaders—the House speaker, Senate president, majority leaders and other chamber officers—constitute the board of directors of the legislative institution. In many states, the legislative leaders of both chambers sit together on a joint management committee or legislative council that is responsible for institutional oversight and decision making on broad institutional matters. Other types of legislative committees also provide oversight of staff functions. For example, many legislatures have a joint audit or program evaluation committee and some have joint technology committees. These bodies provide guidance to staff who serve the committee’s mission and, in the case of audit and evaluation committees, these committees also review the work products of the staff group.

In the context of a private business, the House speaker, Senate leader or committee chairs are equivalent in many ways to chairpersons of a board of directors. The directors of legislative staff agencies and leaders’ chiefs of staff or chamber clerks and secretaries are the chief executive officers of the legislature or of their specific staff organization. They run the daily operations at the legislature or staff organization and have varying levels of discretion for decisions about personnel, budgets, planning and general administration.

The following questions adopt the board of directors/CEO framework and ask you to assess how your legislative staff organization performs on several key leadership benchmarks.

### **Legislative Leaders: The Board of Directors**

- 1) *Our staff organization has effective relationships with legislators who exercise oversight and provide direction for its work.*
- 2) *Our staff organization has appropriate access to legislators who exercise oversight and provide direction for its work.*
- 3) *There is a climate of mutual trust between our staff organization and legislators who exercise oversight and provide direction for its work.*
- 4) *Legislators adequately understand our staff organization's purpose, services and activities and provide effective direction and oversight.*

### **Legislative Staff Leaders: The CEOs**

*The legislative staff leader(s):*

- 5) *has a vision for the future of our staff organization that is shared with all employees.*
- 6) *serves as a role model to employees and embodies the values and mission of our staff organization in his/her daily activities.*
- 7) *is a strategic thinker who gathers and assesses workplace data, trends, employee input and client feedback in order to ensure our staff organization's effectiveness.*
- 8) *promotes a culture of continuous improvement and organizational adaptability to change.*
- 9) *promotes a culture that is values-driven and committed to service excellence.*
- 10) *demonstrates a commitment to ethical and legal behavior.*
- 11) *demonstrates respect for employees.*
- 12) *is accountable for his/her decisions and actions.*
- 13) *is persistent in his/her pursuit of our staff organization's goals and objectives.*
- 14) *demonstrates confidence in his/her ability to effectively lead our staff organization.*
- 15) *demonstrates trust in his/her relationship with employees.*
- 16) *is humble in the execution of his/her responsibilities.*
- 17) *communicates regularly and clearly with employees throughout the staff organization.*

## **Organizational Planning and Performance**

Legislative staff organizations work in a dynamic and rapidly changing political, cultural and fiscal environment. Some level of planning and strategic thinking about the future is necessary in order to maintain peak effectiveness and responsiveness to legislators and other clients. Organizations that fail to embrace some of the following practices risk obsolescence or irrelevance.

*Our staff organization:*

- 18) *maintains a keen understanding of its strategic challenges and opportunities.*
- 19) *maintains a keen understanding of legislator satisfaction with its services and products.*
- 20) *has a clearly written and succinct mission statement.*
- 21) *has clearly articulated core values that are shared by all employees.*

- 22) *has instituted a process for regularly assessing its strategic challenges and opportunities.*
- 23) *systematically collects client input and performance feedback data from legislators and other clients and stakeholders.*
- 24) *effectively confronts and responds to performance feedback and data that may indicate a need for change in our structure, processes, services or products.*
- 25) *Our staff organization's goals and activities are mission-driven.*
- 26) *Employees understand the mission of our staff organization.*
- 27) *Legislators understand the mission of our staff organization.*
- 28) *Employees are engaged in our staff organization's assessment of strategic issues and goals.*
- 29) *Legislative leaders are engaged in our staff organization's assessment of strategic issues and goals.*

## Management

Management guru Peter Drucker identified the following five roles as the basic work of managers:

- managers set objectives
- managers organize
- managers motivate and communicate
- managers analyze, appraise and interpret performance
- managers develop people, including themselves

NCSL, from its decades of experience as a management consultant to state legislatures, adds these complementary responsibilities to Drucker's list:

- managers embrace their manager roles (and do not retreat to the comfort of the skills and expertise that got them to the management level)
- managers engage in and promote rich and robust communication
- managers monitor, analyze and respond to change
- managers build trust

For purposes of this section, the term manager includes any personnel who have supervisory responsibilities for one or more employees.

*Managers in our staff organization:*

- 30) *focus appropriate time and effort on their managerial responsibilities.*
- 31) *routinely provide useful and timely feedback to employees about their performance.*
- 32) *effectively and appropriately delegate and distribute work responsibilities to employees.*
- 33) *understand the role and work of each employee and how that work contributes to the goals of our staff organization.*
- 34) *are effective motivators for employee performance.*
- 35) *are mentors and role models for employees.*
- 36) *use many tools including staff meetings, email messages, informal gatherings and other means to communicate important information to employees.*

- 37) *are good listeners who value input from employees.*
- 38) *are quick to address problems, including employee performance problems, so that our staff organization can operate effectively.*
- 39) *have the appropriate amount of authority to fulfill their roles and get things done.*
- 40) *demonstrate trust in their employees.*
- 41) *value diversity and are sensitive to individual learning and working styles.*
- 42) *are focused on results.*
  
- 43) *Management training and other professional development opportunities are provided to employees with management responsibilities.*
- 44) *Management decisions are clearly communicated and employees are rarely caught by surprise by decisions that affect their work or workplace.*
- 45) *Employees understand the role and work of other employees and how their work contributes to the goals of our staff organization.*
- 46) *Employees demonstrate trust in their managers.*

## Employee and Workplace Development

Jim Collins, in his book *Good to Great*, finds that great organizations focus first on people and then on outcomes. “The executives who ignited the transformations from good to great did not first figure out where to drive the bus and then get people to take it there. No, they *first* got the right people on the bus (and the wrong people off the bus) and *then* figured out where to drive it.”

Most legislative staff organizations have a fairly solid, tradition-based sense of direction, but it is no less true that the quality and talent of employees have a huge impact on organizational performance and adaptability to change. Today, especially, legislative staff organizations face a dramatic loss of institutional knowledge and expertise as baby boomers prepare for retirement. Recruiting new talent into these roles and retaining them is challenging in an environment where the next generation of candidates appears less inclined to look to the public sector for employment, and where younger employees seem more and more likely to make their legislative staff experience one of many stops along their career path.

Effective organizations support recruitment, hiring, firing, retention and employee engagement and development with practices, policies and processes that enhance the chances of attracting and keeping great talent. Often conducted under the banner of “human resource management,” these activities are more than legal preventatives designed to protect the employer. Rather, effective HR practices and policies contribute to employee satisfaction, professional growth and workplace engagement.

*Our staff organization:*

- 47) *uses a recruiting method designed to attract a broad sample of potential job candidates.*
- 48) *uses recruiting strategies that attract qualified minority candidates.*
- 49) *uses non-monetary rewards to acknowledge employee performance excellence.*
- 50) *employs or has access to a human resource management specialist who oversees the development and administration of most personnel-related matters and programs.*
- 51) *provides professional development and training opportunities for employees at all levels.*
- 52) *has a comprehensive security plan for the protection of all employees, legislators and visitors.*
- 53) *has a continuity of operations plan that insures that essential functions can continue during an emergency.*
  
- 54) *A manual or guidebook of personnel policies is provided to all employees.*
- 55) *Our staff organization's personnel policies are the same as or consistent with those that apply to employees in other staff organizations in our legislature.*
- 56) *Managers participate in the hiring process for jobs they supervise.*
- 57) *Formal, written job descriptions exist for all job titles used in our staff organization.*
- 58) *Minimum qualifications—detailed in formal, written job descriptions--are strictly adhered to in the hiring process when assessing potential job candidates.*
- 59) *Our staff organization's hiring process and practices are consistent for all job openings.*
- 60) *All job titles are organized into a formal job classification plan that sets out a hierarchy of these titles based on job content and responsibilities.*
- 61) *All job titles are assigned to a pay range that sets the minimum and maximum compensation level for that title.*
- 62) *The staff classification and compensation plans are routinely reviewed to maintain internal equity and to gauge wage competitiveness with the job market.*
- 63) *All employees in our staff organization receive a formal, written and regularly scheduled appraisal of their job performance.*
- 64) *Raises and promotions are based on merit.*
- 65) *We have a plan and program for developing future leaders of our staff organization.*

## **Information Management and Process Improvement**

Over the past few decades, computers, office automation and the internet have become integrated into almost all aspects of state legislative work. The question no longer is *does* your office use these tools, but rather *how effectively* does it apply and take advantage of developing computer innovations and applications to serve legislators, the public and other clients? In addition, office automation provides new opportunities to generate a broad range of management information data and analyze workplace efficiency and productivity.

- 66) *Given the resources available, our staff organization makes innovative and effective use of computer technology, software applications and internet opportunities.*
- 67) *The data created by our computer systems and applications integrate where necessary with those used by other legislative staff offices.*

- 68) *The data created by our computer systems and applications integrate where necessary with those used by other state government offices.*
- 69) *Our staff organization routinely assesses the effectiveness and viability of its computer systems and applications.*
- 70) *Given the resources available, our staff organization regularly updates technology and adopts new applications that contribute to workplace effectiveness.*
- 71) *Our staff organization takes adequate steps to insure the security, integrity and continuity of service of its technological tools, systems and applications.*
- 72) *Training and continuing education are available to all users of our computer tools and applications.*
- 73) *Help-desk and user support is available to all users of our computer tools and applications.*
- 74) *Our staff organization uses technology to generate data on workplace processes and outputs that help it identify ways to improve its performance.*

## Customer Focus/Core Values/Results Orientation

Effective organizations are characterized by their employees' unwavering, top-to-bottom dedication to the organization's core values and commitment to accomplishing its mission, or purpose. Core values and mission guide an organization through change and the adaptations required in its culture, practices, goals and strategies that help sustain optimal results.

Legislative staff organizations also build optimal results through close and routine contact with their legislator clients. In addition to frequent interpersonal communication, client feedback gained through legislator satisfaction surveys, focus groups, peer reviews and other devices enhance and inform staff assessments of organizational effectiveness. Heightened sensitivity to the quality and effectiveness of results helps to ensure the relevance and success of a legislative staff organization.

In addition to core values and mission, the only other constant in organization life is change. It is counterintuitive to believe that the same hard work, products and services that served legislators well in the past will necessarily satisfy them in the future. As management consultant Michael Hammer succinctly put it, "Working hard at the wrong thing is no virtue."

*Our staff organization:*

- 75) *pursues only those services and products that are consistent with its core values and responsive to its mission.*
- 76) *utilizes a variety of communication and feedback strategies to clearly understand legislator satisfaction with its services and to anticipate client needs.*
- 77) *abandons or alters procedures, services and products that are inefficient or no longer adequately satisfy legislator and other clients' needs.*
- 78) *promotes a culture of innovation that encourages employees to experiment with and develop ideas for new products and services.*

## Additional Reading

- Baldrige Performance Excellence Program, *2011-2012 Criteria for Performance Excellence*. National Institute of Standards and Technology, United States Department of Commerce. Gaithersburg, MD (2011).
- Collins, Jim. *Good to Great*. HarperCollins: New York, NY (2001).
- Drucker, Peter. *Management: Tasks, Responsibilities, Practices*. Harper & Row: New York, NY (1974)
- Latham, J.R., & Vinyard, J. *Organizational Diagnosis, Design and Transformation: A Baldrige User's Guide*. John Wiley and Sons: Hoboken, NJ (2011).
- Weberg, Brian. *Things We Know*. State Legislatures Magazine. National Conference of State Legislatures: Denver, CO (May, 2002).

## APPENDIX B: NCSL LEGISLATOR SURVEY



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

### NCSL South Dakota Legislator Survey

June 2013

Dear South Dakota State Legislator:

The National Conference of State Legislatures (NCSL) is under contract with the Executive Board of the South Dakota Legislature to conduct a study of the staff operations of the Legislative Research Council (LRC). The following survey is a critical component of that study. It is being distributed to all South Dakota state legislators.

**Your response is confidential.**

**Please complete the survey before June 21, 2013 and return it to NCSL in the stamped, self-addressed envelope that is provided.** This survey also has been emailed to you and you have the option of completing the survey electronically by following the link provided in that email. Please check your email inbox to take advantage of this convenient option.

If you are a legislator who has been interviewed in person or by telephone by the NCSL study team, **it remains important that you also respond to this survey.** If you would like an opportunity to participate in a formal interview about this project with NCSL study team members, please contact Brian Weberg at 303-856-1557 or [brian.weberg@ncsl.org](mailto:brian.weberg@ncsl.org).

The Legislative Research Council staff provides services to the South Dakota Legislature including the following: Issue Research, Bill Drafting, Amendment Drafting, Budget Analysis, Fiscal Notes, Rules Review, Computer Services, Library Resources and Committee Support.

This survey starts on the following page.

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## LRC Legal Drafting Services

1. Approximately how many bill drafts did you ask LRC staff to prepare for you for the 2013 legislative session? (Please check the appropriate box.)

Over 10       5 – 9       1 – 4       None

Please use this scale to indicate your opinion about the statements that follow:

**5=strongly agree      4=agree      3=neutral opinion      2=disagree      1=strongly disagree**

**N = no opinion or not able to respond**

Check the box that best represents your opinion:

<b>LRC BILL DRAFTING SERVICES</b>	5	4	3	2	1	N
2. The LRC returns completed bill drafts to me in a timely manner.						
3. LRC bill drafters communicate effectively with me about the goals of my drafting requests.						
4. LRC bill drafters communicate effectively with me about the status of my drafting requests as my drafts are being prepared.						
5. LRC bill drafts returned to me are of high quality.						
6. I trust LRC bill drafters to maintain confidentiality about my bill drafting requests.						
7. The LRC provides effective bill drafting services to me.						
8. Please write in any comments or suggestions you have about LRC Bill Drafting Services. (You will have an opportunity at the end of this survey to write in general comments or suggestions about the LRC.)						

<b>LRC AMENDMENT DRAFTING SERVICES</b>	5	4	3	2	1	N
9. The LRC processes my amendments in a timely manner.						
10. When I request an amendment to be drafted, the LRC responds with a high quality draft.						
11. The LRC provides effective amendment drafting services to me.						
12. Please write in any comments or suggestions you have about LRC Amendment Drafting Services (You will have an opportunity at the end of this survey to write in general comments or suggestions about the LRC.)						

## LRC Fiscal/Budget Analysis Services

13. Please indicate your level of interaction DURING SESSION with LRC Fiscal Analysis staff:  
(check the box that most closely describes your interaction during the most recent legislative session)

I serve on an appropriations committee and have almost daily interaction with LRC fiscal staff during session.

I serve on an appropriations committee and interact with LRC fiscal staff at least once each week during session.

I serve on an appropriations committee and have very limited interaction with LRC fiscal staff during session.

I **do not** serve on an appropriations committee and have frequent interaction with LRC fiscal staff during session.

I **do not** serve on an appropriations committee and have infrequent or no interaction with LRC fiscal staff during session.

**Please use this scale to indicate your opinion about the statements that follow:**

**5=strongly agree      4=agree      3=neutral opinion      2=disagree      1=strongly disagree**

**N = no opinion or not able to respond**

Check the box that best represents your opinion:

<b>LRC FISCAL/BUDGET ANALYSIS SERVICES</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>N</b>
14. When I request fiscal/budget research and information from the LRC it is provided to me in a timely manner.						
15. The LRC responses to my requests for fiscal/budget information are of high quality.						
16. LRC fiscal staff communicates effectively with me about state budget issues and information.						
17. The LRC provides me with an independent source of fiscal/budget analysis and information.						
18. I trust LRC fiscal analysts to maintain confidentiality about my requests for fiscal analysis and budget information.						
19. Fiscal Notes prepared by the LRC are of high quality.						
20. The LRC provides effective fiscal/budget analysis services to me.						
21. Please write in any comments or suggestions you have about LRC Fiscal/Budget Analysis Services. <i>(You will have an opportunity at the end of this survey to write in general comments or suggestions about the LRC.)</i>						

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**LRC Information Technology Services**

22. Please check the box below that best describes you:

I am proficient and active in the use of computers, social media and information technology and try to stay on top of information technology trends.

I am a capable user of computers, social media and information technology but typically learn only enough about these tools to manage routine tasks.

I am not a technologically-oriented individual and use information technology infrequently, with the possible exception of a cell phone and email.

**Please use this scale to indicate your opinion about the statements that follow:**

**5=strongly agree      4=agree      3=neutral opinion      2=disagree      1=strongly disagree**

**N = no opinion or not able to respond**

<b>LRC INFORMATION TECHNOLOGY SERVICES</b>	5	4	3	2	1	N
23. LRC information technology staff respond to my technology questions and problems in a timely manner.						
24. LRC information technology staff provide effective solutions to my technology questions and problems.						
25. The computer issued to me by the LRC is useful and effective for my legislative work.						
26. The LRC provides me with adequate training on how to use legislative computers and electronic information resources.						
27. The LRC provides effective information technology services to me.						
28. Please write in any comments or suggestions you have about LRC Information Technology Services. <i>(You will have an opportunity at the end of this survey to write in general comments or suggestions about the LRC.)</i>						

## General Questions about the LRC

Please use this scale to indicate your opinion about the statements that follow:

5=strongly agree      4=agree      3=neutral opinion      2=disagree      1=strongly disagree

N = no opinion or not able to respond

GENERAL QUESTIONS ABOUT THE LRC	5	4	3	2	1	N
29. LRC staff are available when I need them.						
30. LRC staff provide equal service to all legislators.						
31. LRC services help the Legislature to be independent from the executive branch.						
32. LRC staff are dedicated to their work for the Legislature.						
33. I have an adequate understanding of the services available to me from LRC staff.						
34. LRC staff perform their duties in a professional manner.						
35. The LRC is a strictly nonpartisan office.						
36. LRC staff provide effective support services to standing committees.						
37. LRC staff provide effective support services to interim committees.						
38. LRC staff make effective use of the interim.						
39. The legislative website maintained by the LRC is an effective resource for me.						
40. Please write in any comments or suggestions you have about the LRC staff and its services to you and the Legislature.						

Please check the appropriate box after each of the following items:

41. I am a member of the:     Senate       House
42. Please indicate your party affiliation:     Democrat     Republican
43. Please indicate the number of years you have served as a South Dakota State Legislator:  
 I am in my first term       2-4 years     5 – 8 years     more than 8 years

**The NCSL Study Team thanks you for completing this important survey.**

**APPENDIX C:  
SUMMARY OF  
NCSL  
LEGISLATOR  
SURVEY  
RESULTS**

	All	Republicans	Democrats	Senate	House	Sen. Rs (N=15) 30% of responses (27% of Legis.)	Sen. Ds (N=3) 6% of responses (7% of Legis.)	House Rs (N=19) 38% of responses (50% of Legis.)	House Ds (N=13) 26% of responses (16% of Legis.)
The LRC returns completed bill drafts to me in a timely manner.	3.7	3.6	4.1	3.7	3.7	3.6	4.3	3.6	4.1
LRC bill drafters communicate effectively with me about the goals of my drafting requests.	3.7	3.6	4.1	3.8	3.7	3.7	4.3	3.5	4.1
LRC bill drafters communicate effectively with me about the status of my drafting requests as my drafts are being prepared.	3.6	3.4	4.1	3.4	3.6	3.3	4.3	3.5	4
LRC bill drafts returned to me are of high quality.	3.5	3.3	4.1	3.3	3.5	3.2	4	3.4	4.1
I trust LRC bill drafters to maintain confidentiality about my bill drafting requests.	4.1	3.9	4.7	4.1	4.1	3.9	4.7	3.9	4.8
The LRC provides effective bill drafting services to me.	3.7	3.6	4.2	3.7	3.7	3.5	4.3	3.6	4.2
The LRC processes my amendments in a timely manner.	4.2	4	4.5	4	4.3	3.9	4.7	4.1	4.5
When I request an amendment to be drafted, the LRC responds with a high quality draft.	4	3.8	4.4	3.6	4	3.5	4.3	4.1	4.4
The LRC provides effective amendment drafting services to me.	4.1	3.8	4.6	3.8	4.3	3.7	4.3	4	4.7
When I request fiscal/budget research and information from the LRC it is provided to me in a timely manner.	3.7	3.5	4.3	3.4	3.9	3.2	4.3	3.8	4.3
The LRC responses to my requests for fiscal/budget information are of high quality.	3.7	3.5	4.4	3.4	3.9	3.2	4.3	3.8	4.4
LRC fiscal staff communicates effectively with me about state budget issues and information.	3.5	3.2	4.5	3.1	3.7	2.8	4.3	3.5	4.6

The LRC provides me with an independent source of fiscal/budget analysis and information.	3.4	3	4.5	2.9	3.8	2.6	4.3	3.4	4.6
I trust LRC fiscal analysts to maintain confidentiality about my requests for fiscal analysis and budget information.	4	3.8	4.8	3.7	4.2	3.5	4.7	3.9	4.6
Fiscal Notes prepared by the LRC are of high quality.	3.6	3.3	4.1	3.2	3.8	2.9	4.3	3.7	4
The LRC provides effective fiscal/budget analysis services to me.	3.6	3.4	4.3	3.3	3.8	3	4.3	3.6	4.3
LRC information technology staff respond to my technology questions and problems in a timely manner.	4.4	4.3	4.6	4.1	4.6	4	4.3	4.5	4.7
LRC information technology staff provide effective solutions to my technology questions and problems.	4.3	4.1	4.7	3.9	4.5	3.8	4.7	4.4	4.7
The computer issued to me by the LRC is useful and effective for my legislative work.	4.3	4.3	4.3	4.2	4.3	4.3	4	4.3	4.3
The LRC provides me with adequate training on how to use legislative computers and electronic information resources.	4.1	4	4.3	3.9	4.3	3.8	4.3	4.2	4.3
The LRC provides effective information technology services to me.	4.1	3.9	4.4	3.8	4.3	3.7	4.3	4.2	4.5
LRC staff are available when I need them.	4	3.9	4.3	3.9	4.1	3.8	4.3	4.1	4.3
LRC staff provide equal service to all legislators.	3.9	3.6	4.5	3.7	4	3.6	4	3.6	4.7
LRC services help the Legislature to be independent from the executive branch.	3.5	3.2	4.3	3.1	3.8	2.7	4.7	3.6	4.2
LRC staff are dedicated to their work for the Legislature.	4.1	3.8	4.8	3.8	4.2	3.7	4.7	3.9	4.8
I have an adequate understanding of the services available to me from LRC staff.	3.9	3.8	4.1	4.2	3.7	4.3	3.7	3.5	4.2
LRC staff perform their duties in a professional manner.	4	3.8	4.6	3.9	4.1	3.7	4.7	3.9	4.6

The LRC is a strictly nonpartisan office.	3.8	3.5	4.5	3.8	3.8	3.6	4.7	3.5	4.5
LRC staff provide effective support services to standing committees.	4.2	4	4.7	3.8	4.4	3.7	4.3	4.3	4.8
LRC staff provide effective support services to interim committees.	4.1	3.9	4.5	3.8	4.3	3.7	4.3	4.1	4.5
LRC staff make effective use of the interim.	3.4	3	4.2	3	3.7	2.8	4	3.2	4.3
The legislative website maintained by the LRC is an effective resource for me.	4.1	3.9	4.5	3.8	4.3	3.6	4.7	4.2	4.5
I am a member of the:									
Senate	18	15	3	18	0	15	3	0	0
House	33	19	13	0	33	0	0	19	13
Please indicate your party affiliation:									
Democrat	16	0	16	3	13	0	3	0	13
Republican	35	35	0	15	19	15	0	19	0
Please indicate the number of years you have served as a South Dakota State Legislator:									
I am in my first term	18	9	8	1	17	1	1	8	7
2-4 years	7	4	3	3	4	2	1	2	2
5 – 8 years	17	14	3	5	12	5	0	9	3
more than 8 years	8	6	2	7	1	6	1	0	1

**Rating Scale:**

**5 = strongly agree**

**4 = agree**

**3 = neutral opinion**

**2 = disagree**

**1 = strong disagree**