

MINUTES

Interim Joint Committee on Appropriations



Senator Larry Tidemann, Lead Co-Chair
Representative David Anderson, Co-Chair

**First Meeting, 2017 Interim
Monday, March 27, 2017**

**Appropriations 362 – State Capitol
Pierre, SD**

The first meeting of the Interim Joint Committee on Appropriations for 2017 was called to order by **Lead Co-Chair Larry Tidemann**, at 2:00 p.m. in Appropriations 362 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senator Larry Tidemann, Lead Co-Chair; Representative David Anderson, Co-Chair; Senators Justin Cronin, Terri Haverly, Reynold Nesiba, Jeffrey Partridge, Deb Peters, Jim White, and John Wiik; Representatives Dan Ahlers, Hugh Bartels, Lance Carson, Taffy Howard, Jean Hunhoff, Chris Karr, John Lake, and Sue Peterson. Excused: Senator Billie Sutton.

Staff members present included Annie Mehlhaff, Chief Fiscal Analyst; Jason Simmons, Senior Fiscal Analyst; Stephanie Gruba, Fiscal Analyst; Lucas Martin, Fiscal Analyst; Jeff Mehlhaff, Fiscal Analyst; and Barb Bjorneberg, Appropriations Secretary.

***NOTE:** For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office. This meeting was web cast live. The archived web cast is available at the LRC web site at <http://sdlegislature.gov>.*

School Finance Accountability Board

Ms. Tamara Darnall, Chief Financial Officer, Department of Education (DOE), explained the rules regarding the waiver process prepared by the School Finance Accountability Board.

Representative David Anderson requested the DOE send a copy of the rules to the LRC Fiscal staff for distribution to all JCA members.

Representative Jean Hunhoff asked what the DOE has done to help school districts understand this waiver process. Ms. Darnall said DOE staff have visited schools, mailed newsletters to the schools, and the Secretary of Education has attended various school conferences and conducted webinars regarding the process.

Mr. Travis Jordan, Department of Education, said the Accountability Board should have the waivers processed by the last Friday in November, and should be able to present them to the JCA in December or by the 2018 Legislative Session.

Senator Deb Peters asked if the JCA would be able to overturn the decisions of the School Finance Accountability Board. Ms. Darnall said the Accountability Board does not have the authority to bind the JCA through rules.

In response to Senator Tidemann's question, Ms. Darnall said there is no appeal process regarding these waivers.

Letters of Intent

Mr. Jason Simmons, Senior Fiscal Analyst, presented the first draft Letter of Intent (LOI) addressed to the Department of Labor and Regulation and the Governor's Office of Economic Development regarding a review of

workforce development programs to evaluate their effectiveness and determine if there is any duplication of state resources between programs.

After committee discussion, it was agreed that a review of programs should be completed and the JCA would like to request a list of the programs and how they work together by June. However, the JCA members agreed that this request should be made through a memorandum rather than a LOI and should include a May 30 deadline for the agencies to report back **(Attachment A)**.

The second draft LOI is addressed to the Department of Labor and Regulation regarding the JCA providing funding for the purpose of conducting a LEAN audit of one or more of the divisions of the Department of Labor **(Attachment B)**.

A MOTION WAS MADE BY SENATOR PARTRIDGE, SECONDED BY SENATOR WIIK, TO APPROVE THE LOI REGARDING THE DEPARTMENT OF LABOR AND REGULATION CONDUCTING A LEAN AUDIT. The motion prevailed on a voice vote.

Senator Tidemann and Representative Anderson appointed Senator Partridge, Senator Wiik, Representative Ahlers, and Representative Bartels to the LEAN subcommittee.

The third draft LOI is addressed to the Department of Social Services asking the Department to investigate contributing factors of overtime work at the Human Services Center and factors impacting hiring, including a review of lack of differential weekend pay.

The JCA members agreed that this issue should be addressed by the Government Operations and Audit Committee, rather than through a LOI.

The fourth draft LOI is addressed to the Board of Regents and the School of Mines and Technology stating that the School of Mines use privately collected donations, Math @ Mines program participation fees, or other non-campus funds for the Math @ Mines program. No funds collected through existing higher education tuition or fees are to be used for the Math @ Mines program **(Attachment C)**.

A MOTION WAS MADE BY SENATOR PETERS, SECONDED BY REPRESENTATIVE BARTELS, TO APPROVE THE LOI REGARDING THE SCHOOL OF MINES' MATH @ MINES PROGRAM. The motion prevailed on a voice vote.

The fifth draft LOI requested the Department of Transportation provide information regarding the planning and management processes for bids and construction projects.

Representative Dan Ahlers suggested adding the question of how many out-of-state companies are granted DOT contracts.

The JCA members said this request should be in memorandum form rather than an LOI, and suggested adding a question about the STIP (Statewide Transportation Improvement Program) process **(Attachment D)**.

The sixth draft LOI is addressed to the Attorney General's Office and the Department of Human Services. This LOI stipulates that if the federal funding for the Social Security Administration Cooperative Disability Investigation (SSA-CDI) Unit is terminated, the SSA-CDI Unit should be eliminated and the other fund and federal fund expenditure authority and FTE for this program be eliminated **(Attachment E)**.

A MOTION WAS MADE BY SENATOR PETERS, SECONDED BY SENATOR NESIBA, TO APPROVE THE LOI REGARDING THE SSA-CDI UNIT. The motion prevailed on a voice vote.

The seventh draft LOI is addressed to the Departments of Social Services, Corrections, and Human Services, and the Unified Judicial System. This letter gives the break out of the provider groups that will receive a 0.3% base rate increase in the FY18 budget. The JCA asked that the LOI be amended to include a report back date of June 1 (**Attachment F**).

A MOTION WAS MADE BY SENATOR PETERS, SECONDED BY SENATOR CRONIN, TO APPROVE THE LOI REGARDING PROVIDER INFLATION WITH THE AMENDMENT TO INCLUDE THE JUNE 1 REPORT DATE. The motion prevailed on a voice vote.

The eighth draft LOI is addressed to the Board of Regents requesting they pursue opportunities to maximize results through efficiencies to demonstrate that the SD Higher Education System is a good steward of taxpayer and student dollars (**Attachment G**).

A MOTION WAS MADE BY SENATOR CRONIN, SECONDED BY REPRESENTATIVE CARSON, TO PUT THE BOARD OF REGENTS' REQUEST IN THE FORM OF A MEMORANDUM. The motion prevailed on a voice vote.

Interim Tours and Future Meeting Dates

The East River Appropriations Tour will be held June 7, 8, and 9, 2017, focusing on facilities in southeast South Dakota.

The Joint Committee on Appropriations will meet July 25-26, 2017, in Redfield and Aberdeen. Revenue projections will be presented at the July meeting.

The West River Appropriations Tour will be held October 23, 24, and 25, 2017.

Staff Directives

The fiscal staff will conduct reviews of the Bureau of Administration and the Bureau of Information and Telecommunications analyzing the level of other fund spending authority. The A-87 federal cost allocation plan will be reviewed, as far as how and when the costs are determined and billed to the agencies.

A review will be conducted of veteran services provided by all state agencies with the goal of determining any duplication of services.

An improved process will be developed whereby the JCA is systematically notified of the estimated fiscal impact of proposed administrative rules.

The staff will contact the National Guard regarding corporate sponsorships.

Research will be conducted regarding the Public Broadcasting building in Rapid City to obtain information on the funding of the building.

Adjourn

A MOTION WAS MADE BY SENATOR WIIK, SECONDED BY REPRESENTATIVE SUE PETERSON, TO ADJOURN. The motion prevailed on a voice vote.

The Committee adjourned at 2:50 p.m.

Attachment A

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR
SENATOR LARRY TIDEMANN, CO-CHAIR

April 11, 2017

Ms. Marcia Hultman, Secretary
Department of Labor and Regulation
123 West Missouri Avenue
Pierre, SD 57501

Ms. Laurie Gill, Commissioner
Bureau of Human Resources
500 East Capitol Avenue
Pierre, SD 57501

Mr. Scott Stern, Commissioner
Governor's Office of Economic Development
711 East Wells Avenue
Pierre, SD 57501

RE: State Workforce Development and Recruitment Programs

Dear Agency Head:

South Dakota's economic success is tied to having people with the right skills and capabilities for South Dakota jobs. During the legislative session, multiple state agencies described difficulties in recruiting, hiring, and retaining qualified employees to meet their workforce needs. Businesses throughout South Dakota shared similar concerns. Because workforce development and recruitment efforts need to be persistent and ongoing, the Joint Committee on Appropriations requests the Department of Labor and Regulation, the Governor's Office of Economic Development, and the Bureau of Human Resources to review all state funded workforce development and recruitment programs to evaluate their effectiveness and to determine if there is any duplication of state resources between programs. Following this review, the agencies shall develop strategies to prioritize state funding to enhance synergy across the agencies for better effectiveness of these programs.

The committee requests you share the results of your review of state workforce development and recruitment programs, including how each program was measured and evaluated, and proposals for improvement at the July Interim Joint Committee on Appropriations meeting, scheduled to be held in Aberdeen.

Thank you for your cooperation.

A handwritten signature in black ink, appearing to read "Larry Tidemann".

Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations

A handwritten signature in black ink, appearing to read "David Anderson".

Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management

Attachment B

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR
SENATOR LARRY TIDEMANN, CO-CHAIR

April 4, 2017

Ms. Marcia Hultman, Secretary
Department of Labor and Regulation
123 West Missouri Avenue
Pierre, SD 57501

Letter of Intent Regarding Department of Labor and Regulation Lean Management Audit

Dear Secretary Hultman:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations in approving your appropriation in the 2017 legislative session. As such, this Letter of Intent seeks to supplement that legislation with specific policy guidance as approved on March 27, 2017.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

It is the intent of the Committee to provide funding from the Legislative Priority Pilot Program Contingency Fund for the purpose of conducting a LEAN audit of one or more of the divisions of the Department of Labor and Regulation. The objectives for this audit may include: identifying new performance measures for greater efficiency, improving the allocation of resources, and enhancing communication with legislators, state employees, and the public. The LEAN audit and the use of the Legislative Priority Pilot Program Contingency Fund was utilized previously for a similar audit of the Bureau of Information and Telecommunications. In order for the JCA to proceed with this project, as per SDCL 4-8A-12, the Executive Board of the Legislature must approve by a majority vote the transfer and expenditure of these monies.

Thank you for your cooperation.

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Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations

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Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management

Attachment C

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
SENATOR LARRY TIDEMANN, LEAD CO-CHAIR
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR

March 27, 2017

Dr. Michael Rush, Executive Director
SD Board of Regents
306 E. Capitol Ave., Suite 200
Pierre, SD 57501

Dr. Heather Wilson, President
SD School of Mines and Technology
501 E. Saint Joseph Street
Rapid City, SD 57701

Letter of Intent Regarding SDSM&T Budget Approved in the 2017 Session

Dear Board of Regents Executive Director Rush and SDSM&T President Heather Wilson:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations in approving your budget in the 2017 legislative session. As such, this Letter of Intent seeks to supplement the budget with specific policy guidance as approved on March 27, 2017.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

The 2017 Legislature approved \$250,000 in other fund spending authority for the School of Mines and Technology Math @ Mines program for fiscal year 2018. It is the intent of the Committee that the School of Mines and Technology use privately collected donations, Math @ Mines program participation fees, or other non-campus funds for the Math @ Mines program. It is further the intent of the Committee that no funds will be utilized for the Math @ Mines program that have been collected through existing higher education tuition or fees.

Thank you for your cooperation.

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Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations

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Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management

Attachment D

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
SENATOR LARRY TIDEMANN, LEAD CO-CHAIR
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR

March 27, 2017

Mr. Darin Bergquist, Secretary
Department of Transportation
700 E Broadway Ave
Pierre, SD 57501

Dear Secretary Bergquist:

With the approval of the General Operations and Construction Contracts budgets in SB178, the General Appropriations Act for FY2018, questions were raised regarding the planning and management processes for bids and construction projects. The Committee requests that the Department of Transportation present the following information at an interim meeting to be determined:

- What is the process for selecting and prioritizing construction projects?
- How has this process changed with the additional revenue generated from SB1 enacted in the 2015 Session?
- How were the additional funds from SB1 spent?
- What processes are used by the Department to manage construction projects and the bidding process?
- What process is used for selecting contractors and letting construction projects to contract?
Are contractors located in South Dakota given any preference?

Thank you for your cooperation.

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Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations

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Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management
Ron Rosenboom, Chairman, Transportation Commission

Attachment E

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
SENATOR LARRY TIDEMANN, LEAD CO-CHAIR
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR

March 27, 2017

Mr. Marty Jackley, Attorney General
Office of the Attorney General
1302 E Hwy 14, Suite 1
Pierre, SD 57501

Ms. Gloria Pearson, Secretary
Department of Human Services
Hillsview Plaza
Pierre, SD 57501

Letter of Intent Regarding Legislation Approved in the 2017 Session

Dear Attorney General Jackley and Secretary Pearson:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations in approving your appropriation in the 2017 legislative session. As such, this Letter of Intent seeks to supplement that legislation with specific policy guidance as approved on March 27, 2017.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

SB178, the General Appropriations Act for FY2018, appropriated 1 FTE and \$444,655 in federal fund expenditure authority to the Department of Human Services (DHS) and 5 FTE and \$395,871 in other fund expenditure authority to the Office of the Attorney General (OAG) for a Social Security Administration Cooperative Disability Investigation (SSA-CDI) Unit. If the federal funding for this program is terminated, it is the intent of the JCA that the SSA-CDI Unit be eliminated and the other fund and federal fund expenditure authority and FTE for this program also be eliminated.

Thank you for your cooperation.

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Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations

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Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management

Attachment F

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR
SENATOR LARRY TIDEMANN, CO-CHAIR

April 4, 2017

Ms. Lynne Valenti, Secretary
Department of Social Services
Kneip Building
Pierre, SD 57501

Mr. Denny Kaemingk, Secretary
Department of Corrections
Solem Building
Pierre, SD 57501

Ms. Gloria Pearson, Secretary
Department of Human Services
Hillsview Plaza
Pierre, SD 57501

Mr. Greg Sattizahn, State Court Administrator
Unified Judicial System
State Capitol Building
Pierre, SD 57501

Letter of Intent Regarding Legislation Approved in the 2017 Session

Dear Agency Head:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations in approving your appropriation in the 2017 legislative session. As such, this Letter of Intent seeks to supplement that legislation with specific policy guidance as approved on March 27, 2017.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

The 2017 South Dakota Legislature approved a discretionary 0.3% base rate increase to community based providers. It is the intent of the Interim Joint Committee on Appropriations that in FY2018, these providers are to receive a base rate increase in conformity with Attachment 1 of this document. Additionally, the committee requests a report on how providers used the increase.

Thank you for your cooperation.

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Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations

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Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management

Attachment

Attachment F Continued

Here is the break out of the provider groups with a Medicaid payer mix of 50% or greater that will receive an increase in the FY 18 budget:

Provider	General	Federal	Other	Total
PTRF (MS)	\$21,999	\$27,150	-	\$49,149
Long Term Care (NH, Hospice, AL)	\$261,584	\$322,831	-	\$584,415
Elderly Nutrition Program	\$16,233	-	-	\$16,233
In-home Services for elderly	\$35,674	\$13,037	-	\$48,711
Victim Services	\$11,474	-	-	\$11,474
Groups Care Providers	\$9,098	\$1,248	-	\$10,346
PRTF (CPS)	\$19,091	\$23,586	-	\$42,677
Community Based Behavioral Health (Substance Abuse, Mental Health)	\$132,853	\$40,838	-	\$173,691
Other Provider Groups	\$68,262	\$9,962	\$2,564	\$80,788
DSS Total	\$600,397	\$440,175	\$2,564	\$1,043,136
DHS Community Services	\$187,008	\$241,838	\$16,821	\$445,667
DOC Community Services	\$8,881	\$12,175	-	\$21,056
UJS Community Services	\$5,971	\$221	-	\$6,192
TOTAL	\$802,257	\$694,409	\$19,385	\$1,516,051

Source: Joint Appropriations Committee FY18 Budget

Attachment G

REPRESENTATIVE G. MARK MICKELSON, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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Joint Committee on Appropriations
SENATOR LARRY TIDEMANN, LEAD CO-CHAIR
REPRESENTATIVE DAVID ANDERSON, CO-CHAIR

March 27, 2017

Dr. Michael Rush, Executive Director
SD Board of Regents
306 E. Capitol Ave., Suite 200
Pierre, SD 57501

RE: Maximizing Results Through Efficiencies

Dear Dr. Rush:

While we are proud of the progress of our South Dakota Universities, we must continue to demonstrate to the public and political leaders that the South Dakota Higher Education System is a good steward of taxpayer and student dollars. Therefore, the Interim Joint Committee on Appropriations (JCA) is requesting the Board of Regents pursue opportunities to maximize results through efficiencies. The pursuit of efficiencies should include but not be limited to the following objectives:

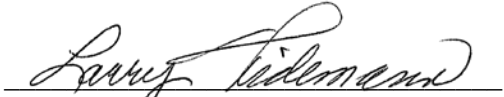
- Reducing complexity across the system and within individual campuses.
- Providing effective and efficient delivery of instructional and administrative services.
- Strategic planning, mission alignment, and structural review of lagging universities and major programs (e.g. USD Law School).

These objectives will require state support both policy-driven and financial, but there is a limit to the financial support higher education can expect from the state and from students. The objectives are not about cutting budgets, but are instead about being responsive to state needs and demonstrating a commitment from the Board of Regents and State Universities in achieving student success, affordability, and performance, while being financially responsible to the students and taxpayers of South Dakota.

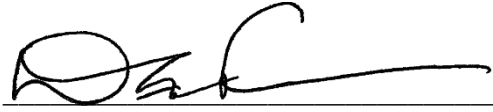
The JCA requests the Board of Regents present a preliminary assessment of the efficiency opportunities and a proposed timeline at the July meeting.

If you have any questions, please contact Jeff Mehlhaff with the Legislative Research Council at 773-3251.

Thank you for your cooperation.



Senator Larry Tidemann
Lead Co-Chair, Joint Committee on Appropriations



Representative David Anderson
Co-Chair, Joint Committee on Appropriations

cc: Marty Guindon, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management