South Dakota Legislative Research Council

Rep. Larry J. Tidemann, Chair
Sen. Jean M. Hunhoff, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

March 17, 2008

Chief Justice David Gilbertson
Unified Judicial System
500 East Capitol Ave
Pierre, SD 57501

RE: Joint Committee on Appropriations Regarding FY2009 Appropriation

Dear Chief Justice Gilbertson:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations in approving your FY09 appropriation. As such, it supplements that appropriation with a specific policy guideline.

While the guideline does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Judicial 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.

Specifically, it is the request of the Joint Committee that:

1. The Unified Judicial System (UJS) provide the Joint Committee on Appropriations (JCA) the estimated savings to the state for FY09 regarding the employment of a Judicial Branch Educator vs. the UJS providing training using current staff or contracting out, as is done currently. Also, UJS provide the JCA the cost implication of not appropriating a court improvement coordinator as requested in the FY09 budget. This should be presented to the JCA during the UJS FY2010 budget hearing.

2. The Unified Judicial System provide the Joint Committee on Appropriations information on fees collected in conjunction with urinalysis drug screening (UA) tests that are conducted on probationers and the impact the general fund appropriation had toward:
   a. helping probationers to be successful on probation; and
   b. reducing the uncollectible accounts.

   This should be presented to the JCA during the UJS FY10 budget hearing.

3. The Unified Judicial System (UJS) continue to provide regular written quarterly updates on the progress of the Northern Hills Drug Court. The UJS should provide the updates to the Appropriations Committee and staff for the Northern Hills Drug Court; following the same

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format and producing the same type of data as previously provided to the JCA. Also, at each interim Appropriations meeting and during the 2009 Legislative Session, the UJS should be available to discuss these updates and answer questions.

As previously stated, it is expected that you will be prepared to address this guideline in your FY10 budget presentation to the Joint Committee next January.

Thank you for your consideration.

Senator Gerald F. Apa
Co-Chair

Representative Larry Tidemann
Co-Chair

cc: Marty Guindon, Auditor General
Jason Dilges, Commissioner, Bureau of Finance and Management