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**Joint Committee on Appropriations**  
SENATOR DEB PETERS, CO-CHAIR  
REPRESENTATIVE JUSTIN CRONIN, CO-CHAIR

March 30, 2016 (original)

July 22, 2016 (amended)

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

### **Letter of Intent Regarding Legislation Approved in the 2016 Session**

Dear Attorney General Jackley:

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations (JCA) in approving your appropriation in the 2016 legislative session. As such, this Letter of Intent seeks to supplement that legislation with specific policy guidance as approved on March 29, 2016 and amended on July 22, 2016.

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 2016 South Dakota Legislature approved up to and not exceeding 2.0 FTE and \$181,192 in other fund expenditure authority for an Attorney Specialist and an Investigator to support SB54, An Act to adopt the Elder Abuse Task Force's statutory recommendations in order to protect South Dakota seniors and adults with disabilities from abuse, neglect, and exploitation. The \$181,192 funding is to come from the Court Automation Fund. It is the intent of the JCA that the Attorney General's office use funds from Company 3000 "Attorney General Other Fund" for this purpose until the 2017 Legislative Session. During the 2017 Legislative Session, the JCA intends to recommend the following section be added to the Supplemental General Appropriations Act: "The state treasurer shall transfer to the Office of the Attorney General other funds in the amount of \$181,192 from the Court Automation Fund within the Unified Judicial System".

According to the Elder Abuse Task Force Final Report and Recommendation, December 2015,

the Task Force received consistent public testimony on the lack of prosecution of financial exploitation and the difficulties of prosecuting the crime. The Task Force recommended that the Legislature appropriate funds for an attorney-specialist, within the Office of the Attorney General, to prosecute or to assist state's attorneys in prosecuting the abuse, neglect, and financial exploitation of elders or adults with disabilities. The attorney-specialist would also serve as an educational resource and liaison for local and tribal law enforcement. The Task Force also recommended that the Legislature appropriate funds for an investigator specializing in these cases to assist the attorney in bringing criminal charges and providing education on this topic.

It is the intent of the Joint Committee on Appropriations that the Office of the Attorney General provide quarterly status reports to the Committee regarding the investigations that these two FTE will be working on in relation to abuse, neglect, and exploitation of seniors and adults. In addition, the status report should include an explanation of the benefits that have been derived by the work of the Attorney Specialist and the Investigator.

Thank you for your cooperation.

*/S/ Senator Deb Peters*  
Senator Deb Peters  
Co-Chair, Joint Committee on Appropriations

*/S/ Representative Justin Cronin*  
Representative Justin Cronin  
Co-Chair, Joint Committee on Appropriations

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