



MINUTES

Department of Public Safety Agency Review Committee

**First Meeting
2005 Interim
Friday, June 10, 2005**

**LCR 1&2
State Capitol Building
Pierre, South Dakota**

The first meeting of the interim Department of Public Safety Agency Review Committee was called to order by Representative Gordon Pederson, Chair, at 9:02 a.m. on Friday, June 10, 2005, in Legislative Conference Rooms 1 and 2 of the State Capitol Building in Pierre, South Dakota.

A quorum was established with the following members answering the roll call: Senators Gene Abdallah, Dick Kelly (Vice-Chair), and Frank Kloucek; and Representatives Jim Bradford, Michael Buckingham, Thomas Hennies, Gordon Pederson (Chair), Val Rausch, and Mark Willadsen. Senator J.P. Duniphan and Representatives Jean Hunhoff, Shantel Krebs, Kathy Miles, Donna Schafer, and R. Shawn Tornow were excused.

Staff members present included Sue Cichos, Senior Fiscal Analyst, and Kris Schneider, Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order.

Approval of Agenda

REPRESENTATIVE BUCKINGHAM MOVED, SECONDED BY SENATOR KLOUCEK, TO APPROVE THE AGENDA. MOTION CARRIED UNANIMOUSLY ON A VOICE VOTE.

Opening Remarks

Chair Pederson stated the agency review for the Department of Public Safety was very timely. He looks forward to learning more about homeland security.

A Historical Perspective of the Sunset Process

Mr. Reuben Bezpaletz, Chief Analyst for Research and Legal Services, Legislative Research Council, reviewed an outline of a typical study plan for interim sunset committees (document was previously mailed to the committee). Mr. Bezpaletz noted that the sunset process examines why a particular agency exists, what it does, and whether it should continue to do that job. The sunset process was originally legislation that repealed the existence of the state agency, and that agency then had one year to come in and prove to the Legislature that they were doing their job and should continue to exist. It was determined through this process that it

was not so much the agency and its statutes that were the problem but the agency rules, so the statute was modified to examine the agency rules and rule-making authority for those rules. It very quickly became difficult to get legislators to serve on these committees. As soon as the process was completed for all state agencies, the legislation was repealed, and authority given to the Rules Review Committee for review of agency rules. The sunset process now gives the Legislature an opportunity to ask detailed questions, get detailed information, and make determinations on how the department might better perform its duties. The sunset process has become more of an oversight function. Public testimony is included in the sunset process. Also, Mr. Bezpaletz indicated that the department should review the agency statutes to determine if there is a need for updates.

Department of Public Safety Presentation

Mr. Tom Dravland, Secretary, Department of Public Safety (DPS), introduced his staff and presented the committee with an overview of DPS (**Document 1**). Secretary Dravland gave a historical perspective of DPS. He stated that the department's mission is to "keep South Dakota a safe place in which to live, work, visit and raise a family." The department is divided into four areas: the Division of Enforcement, the Division of Emergency Services, Administration/Division of Inspection and Licensing, and Homeland Security.

Secretary Dravland stated that they are currently gathering historical budget information from previous agencies (prior to the reorganization) and will provide it to the committee once it is complete. He noted that the large increase in the department's budget from FY 2004 to FY 2005 was due to federal funding for Homeland Security.

In response to Senator Kelly's question why the department was estimating 391.4 FTE for FY2005 when the department was budgeted for 402.5 FTE, Secretary Dravland stated it was because of general turnover within the department. He explained the hiring process for highway patrol recruits can take up to nearly a year. It was also noted that law enforcement training is under the umbrella of the Attorney General.

In response to a question on why there is separate training for highway patrol and the Department of Criminal Investigation (DCI), Secretary Dravland stated that the highway patrol recruit academy is a twenty-four week course; the DCI academy is a twelve week course. The academies are held at different times of the year and cover different areas.

In response to Representative Willadsen's question if it was a federal mandate that Homeland Security be a separate division, Secretary Dravland stated that it was not. It was originally located within the Division of Emergency Services; however, it was difficult for the Appropriations Committee to keep the monies separate, so a separate division was created. Now at the federal level, the FEMA dollars are being merged into the homeland security dollars so the Bureau of Finance and Management (BFM) is separating the monies for the department.

Division of Enforcement

Colonel Dan Mosteller, Superintendent of the South Dakota Highway Patrol, stated the division promotes highway safety throughout the state by education, by fair law enforcement, and by example. The Division of Enforcement is comprised of Highway Patrol, State Radio Communications, and Highway Safety/Accident Records.

Highway Patrol

Col. Mosteller gave a brief overview of the day-to-day duties of a highway patrol officer. He stated that highway safety is their goal and explained what they are doing to educate the public. He stated that having accident records as part of the division allows enforcement to have real time information on what is happening with regards to accidents.

Motor Carrier Services promotes highway safety and enforces size and weight regulations. He also explained how they are accomplishing their goals through education and customer service. Col. Mosteller stated writing tickets is not their goal; their goal is safety.

Col. Mosteller stated that thirty percent of the fatal accidents in the state happen on the reservations. He is working with tribal authorities with regards to education on the use of seat belts and how seat belts do save lives.

In response to a question on where patrol officers are placed within the state, Col. Mosteller stated that they are using technology to determine where accidents are occurring; however, it is still up to the officer to decide where they patrol.

Senator Kloucek commented there was an agreement that an officer would be stationed in Springfield when the prison was opened; however, currently there is not an officer located there. Col. Mosteller stated he did not know of the agreement.

In response to a question regarding overweight issues with certain farm equipment, Col. Mosteller stated he would check to see if anyone has contacted the manufacturer regarding problems that arise.

In response to a question regarding the timeframe for responding to an accident, Col. Mosteller stated it depends on the time of day and the location but there has not been a problem of taking too long. The Highway Patrol works with the local and county authorities.

In response to a question regarding training, Col. Mosteller stated that public education is part of the highway patrol's training.

Col. Mosteller also explained the ALPHA team which consists of three 8 man teams that are on call 24 hours a day to assist with hostage and other special tactical assistance throughout the state.

State Radio Communications

Sergeant Dave Driscoll, Manager, gave a brief history of the agency. He stated their mission is to maintain professional communications 24 hours a day for all members of the Public Safety community and the citizens of the state. State Radio has locations in Huron, Pierre, and Rapid City. They are responsible for the dispatch side of State Radio; whereas, the Bureau of Information and Technology is responsible for all of the equipment and technical issues. Sgt. Driscoll stated that when the new radio system (digital network) came on line, the dispatch operation did not change. He also gave a scenario of how a dispatcher has to multi-task.

In response to questions regarding 911 and how it relates to State Radio, Sgt. Driscoll stated that 911 centers are not a part of the state radio network. They are local dispatch centers.

In response to a question if it was correct that Sioux Falls did not join the state radio system, Sgt. Driscoll stated that the city of Sioux Falls (Metro) is not part of state radio. State Radio and Metro cooperate when necessary and he was not aware of any problems.

Chair Pederson stated that the 911 system was not part of this committee's review.

Highway Safety/Accident Records

Mr. Roy Meyer, Director of Accident Records and Highway Safety, stated that their mission is to promote highway safety. They receive funding from the United States Department of Transportation "National Highway Traffic Safety Administration" and the Department of Justice "Enforcing Underage Drinking Laws". They work with communities and other state agencies to address issues of highway safety and alcohol issues.

Mr. Meyer commented that the Office of Accident Records recently installed a new system that makes the data more easily available. They register approximately 18,000 traffic crashes annually. The accident records are sold for \$4 per copy and are kept permanently, as long as they meet certain criteria.

Division of Emergency Services

Ms. Kristi Turman, Director of the Division of Emergency Services, stated the division is comprised of the Office of Emergency Management, Office Emergency Medical Services, and the State Fire Marshal Office.

Office of Emergency Management

Ms. Turman stated that the office's mission is to protect South Dakota's citizens and their property from the effects of natural, manmade, and technological disasters. There are four regional coordinators which are located in Aberdeen, Pierre, Rapid City, and Sioux Falls.

The office utilizes the four phases of emergency management: preparedness, response, recover, and mitigation. The preparedness phase is when the state is ready to respond to an emergency. The Emergency Management Performance Grant (EMPG) assists in this phase. Two-thirds of the grant is passed on to the county level to cover administrative costs. The response phase begins at the local level. When an incident is beyond the capability of a city or county to handle, and they have exhausted all of their funds, the state becomes involved. Once a crisis is over, the recovery phase starts. For a presidential declaration, the recovery period can remain open for three to four years. The mitigation phase lessens or eliminates the effects of disaster on people and property. The office works with pre-disaster mitigation activities, Hazard Mitigation Grant Program funds, and flood mitigation activities. Ms. Turman stated that the office was originally civil defense and the focus was nuclear preparedness. Today the focus is incorporating terrorism and homeland security into the four phases of emergency management.

In response to a question about who responds to a hazardous material incident, Ms. Turman stated that there are mutual aid agreements between cities and counties. There are haz mat teams located in Aberdeen, Rapid City, Sioux Falls, and Watertown that are capable of covering the state. South Dakota also has mutual aid agreements with 49 states.

Office of Emergency Medical Services

Mr. Bob Graff, Program Manager, stated that their mission is to license ambulance services and provide training, testing, certification, and recertification of all ambulance service personnel. He gave a brief overview of the office. Through the Rural Access to Emergency Devices Grant from the Health Services and Resources Administration, which is a four-year grant, the office has purchased approximately 300 automatic external defibrillators (AEDs). During the fourth year, they will be replacing AEDs currently used in ambulances, as the new AEDs are pediatric compatible.

Representative Hennies requested that Mr. Graff check to see who regulates and inspects the vehicles (ambulances) and what regulations they have to abide by.

Office of the State Fire Marshal

Mr. Al Christie, State Fire Marshal, gave a brief overview of the office. Their mission is to prevent the loss of life and property by fostering a fire safe environment through investigation, enforcement, regulation, emergency response, firefighter training, data collect, and public education. He stated their goals are public fire education, code enforcement, emergency responders, and the fire marshal programs.

Administration and Division of Inspection and Licensing

Ms. Jeannette Schipper, Director of Administrative Services and Director of Inspection and Licensing, stated the division is comprised of Inspections/Weights and Measures and Driver Licensing. Ms. Schipper is the chief financial officer for DPS.

Weights and Measures/State Inspection Program

Ms. Schipper, on behalf of Mr. David Pfhaler, Manager of the Weights and Measures Inspections, stated their mission is to protect equity in the South Dakota marketplace by ensuring the accuracy of all commercial weighing and measuring equipment including, but not limited to gas pumps, retail and large capacity scales, fuel meters, and LPG meters. She gave a brief overview of the kinds of things they monitor.

In response to Senator Kloucek's question on how often elevator scales are monitored, Ms. Schipper stated she would check on it.

The State Inspection Program was created in 1995 to consolidate inspections completed by the state. Their mission is to provide a consolidated manpower pool and the expertise to allow efficiencies in the conduct of required inspections for the Departments of Health, Agriculture, Education, and Social Services, the South Dakota Lottery and the State Fire Marshal and Weights & Measures Program in the Department of Public Safety. She stated that only inspections are done through this program; the regulatory authority is the responsibility of the agencies.

Driver Licensing

Ms. Cindy Gerber, Director of Driver Licensing, gave an overview of the program. Their mission is to make South Dakota highways safe by issuing driver licenses to applicants who have met the minimum qualifications for safely operating a motor vehicle and to keep everyone in South Dakota safe by issuing a secure document based on legitimate identification documentation.

In response to a question regarding the removal of your social security number from your license, Ms. Gerber stated that effective July 1, 2005, social security numbers will no longer be on the license. If someone wants a new license before their current license expires, the cost is \$6 for the issuance of a new card.

Ms. Gerber noted that the law does not require a person to surrender their identification card when they are issued a driver license.

Homeland Security

Mr. John Berheim, Homeland Security Coordinator, and **Ms. Tina Titze**, Assistant Director for the Office of Emergency Management, gave a brief overview Homeland Security. The division's mission is to keep South Dakota free from any acts of terrorism. Their function is to administer the various Homeland Security Grants awarded to the state by the federal Department of Homeland Security (DHS). DHS mandates that at least 80% of the Homeland Security grants be passed down to the local jurisdictions (66 counties and 9 tribal governments).

Chair Pederson requested that additional information regarding Homeland Security be presented at the next meeting.

Committee Discussion/Staff Directives

Staff was directed to expand the interested parties list to allow for adequate public testimony.

Secretary Dravland and his staff were asked to review DPS's current statutes and work with LRC staff on any proposed changes.

Representative Buckingham noted that the DCI academy is outside of this department; however, he wondered if there was duplication of efforts and asked if the two academies could be combined. He would like to see additional information on the course content of both academies and a layout of how they both work. Secretary Dravland responded that they are in the process of combining a 12 week training program for law enforcement and highway patrol which would be followed with an additional 12 weeks of training for the highway patrol. The class is scheduled to begin on October 17.

The next meeting was set for Monday and Tuesday, August 29-30, 2005, at which time public testimony will be taken during the first day.

SENATOR KLOUCEK MOVED, SECONDED BY REPRESENTATIVE BUCKINGHAM, THAT THE MEETING ADJOURN. MOTION CARRIED UNANIMOUSLY ON A VOICE VOTE.

The meeting adjourned at 3:15 p.m.



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