



**Legislative
Research
Council**

MINUTES

Department of Public Safety Agency Review Committee

**Second Meeting
2005 Interim
Monday, August 29, 2005**

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

The second meeting of the interim Department of Public Safety Agency Review Committee was called to order by Representative Gordon Pederson, Chair, at 9:30 a.m. on Monday, August 29, 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, J.P. Duniphan, and Dick Kelly (Vice Chair); and Representatives Michael Buckingham, Thomas Hennies, Jean Hunhoff, Kathy Miles, Gordon Pederson (Chair), Val Rausch, Donna Schafer, R. Shawn Tornow, and Mark Willadsen. Senator Frank Kloucek and Representatives Jim Bradford and Shantel Krebs 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 Minutes

REPRESENTATIVE BUCKINGHAM MOVED, SECONDED BY SENATOR DUNIPHAN, THAT THE JUNE 10, 2005, MINUTES BE APPROVED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Approval of Agenda and Chair's Remarks

Chair Gordon Pederson commented that he spent a great deal of time discussing homeland security and the implementation of the new federal driver's license act while attending the 2005 Annual Meeting of the National Conference of State Legislatures (NCSL). He asked for approval to include information concerning the new federal driver's license law on today's agenda. With the consensus of the committee, Chair Pederson declared that the federal driver's license topic would be added to the agenda.

Department of Public Safety Presentation Continued From the First Meeting

Homeland Security

Mr. Tom Dravland, Secretary, Department of Public Safety (DPS), introduced **Mr. John Berheim**, Homeland Security Coordinator, who proceeded to discuss homeland security. Mr. Berheim said that citizens are taking comfort that there have been no terrorist attacks in the United States since September 11, 2001. However, people must not become complacent; there is on-going surveillance of national areas of concern by suspicious individuals, who most likely are continuing to test the response of national officials responsible for homeland security. Mr. Berheim stated the office manages the federal Homeland Security Grant Funds that come to the state. An update of the grant funds, as of July 31, 2005, was distributed to the committee (**Document 1**).

In response to a question regarding who Homeland Security works with at the local level, Mr. Berheim stated that the office deals directly with state agencies, the sixty-six counties, and the nine tribal governments. They have some interaction with cities; however, the cities usually work through the county governments. For the equipment allocation which is a large portion of the Homeland Security Grant, his office works with the county emergency manager. For the Law Enforcement Terrorism Program his office works with the sheriff.

In response to a question if the program is accountable at a regional level, Mr. Berheim stated that they work primarily with counties and tribes and they promote regional Memorandums of Understanding for items such as hazardous waste, swat teams, search and rescue.

Mr. Berheim explained how the grant money is disbursed. In reference to the handout, he stated that all of the FY 03 and FY 04 monies are earmarked; the office is waiting for invoices so the money can be disbursed.

Senator Duniphan requested that the committee receive an itemized list of the obligated funds, by county.

Senator Abdallah suggested that it may be better use of the funds if the state purchased the equipment and have the teams available rather than have counties purchase equipment they may not use. Mr. Berheim stated that it may work better if the state was regionalized with a lead county. He will bring the concept to the senior advisory committee for their consideration. (The senior advisory committee has forty members comprised of all of the agencies that have an interest in homeland security.)

In response to a question if there was a report for the committee regarding the specifics on how the grant monies have been spent, Mr. Berheim stated that they could compile a report. Security and prevention are the primary focus of the Homeland Security Grant funds; most of it is spent protecting people and public works services.

Representative Rausch suggested that protection of data and alternate storage locations should be a high priority. Mr. Berheim stated he will take the suggestion to the senior advisory committee.

In response to a question if there are mandates on how the money is spent, Mr. Berheim stated that 80% of the money must go to local jurisdictions. The money can not fund people; it is for equipment to secure facilities. He explained there is a suggested list of equipment that is considered anti-terrorist. Mr. Berheim said its focus is chemical, biological, radiological, nuclear, and explosive (CBRNE) response and recovery.

Driver Licensing

Ms. Cindy Gerber, Director of Driver Licensing, briefed the committee on the REAL ID Act of 2005 -- "Improved Security for Driver's License and Personal Identification Cards" that was signed by President Bush in May 2005. She stated that South Dakota is in compliance with several of the requirements; however, there are still many unknowns. South Dakota currently requires birth certificates for first time drivers and is developing a system to verify South Dakota birth certificates. She stated there may be some additional costs for verification of documents, names, and address of the principal residence. Another change will be clearly marking temporary licenses. There will also be an increase in storage costs as it is mandated to keep records for ten years. Ms. Gerber stated that they will be monitoring it very closely. States must be compliant with the Act by September 2008. A handout entitled "REAL ID ACT OF 2005 DRIVER'S LICENSE TITLE SUMMARY" was distributed (**Document 2**).

Department's Response to Committee Inquiries From the First Meeting

Secretary Dravland reviewed a handout which listed questions from the June 10, 2005, meeting and presented additional budget information for the department "Historical Expenditure for FY 1998 – FY 2006" (**Documents 3 & 4**).

Provide side-by-side course content of DCI and Highway Patrol training. - **Major Jim Carpenter** stated that the department is having discussions with Law Enforcement Training on how the courses could be coordinated.

What is the cost of a new hazardous materials response vehicle? - Secretary Dravland stated the vehicle cost approximately \$250,000.

Does the Rosebud Sioux Tribe have a hazardous materials team? – Secretary Dravland stated that they do not have a hazardous materials team.

Does the EMS Office inspect vehicles for safety when doing ambulance inspections? – Secretary Dravland stated that they do not have the mechanical expertise to inspect the road-worthiness of a vehicle.

How often does Weights and Measures inspect scales at grain elevators? – Secretary Dravland stated that large scales are inspected annually by the State. If a scale is subject to the USDA Packers and Stockyards (P&S) Administration program, it is inspected twice each year. An inspection for other types of scales is every other year, unless specifically requested by the client.

Do we inspect bottled spring water from Kyle, SD? – Secretary Dravland stated that they have no knowledge of any bottlers in Kyle, South Dakota.

Additional Committee Questions

Representative Schafer inquired about a communication problem that is occurring on Channel 2 in Clay and Turner Counties. Secretary Dravland stated that the Bureau of Information and Technology is looking into it. The problem has to do with tower affiliations and it may be a training issue.

Representative Tornow stated that the Sioux Falls police department has added forty-one FTE's over the past five years. He asked if the Highway Patrol had increased their numbers in Minnehaha and Lincoln Counties over the past five years. Secretary Dravland stated that on an annual basis they look at the needs in the various districts and make adjustments as needed. The Highway Patrol works with the number of FTE's authorized but duty stations may be moved.

In response to Senator Kelly's question if the paperwork requirements for sergeants could be reduced so they can spend more time on the highways, Secretary Dravland stated that it is the sergeant's responsibility to review the work of every trooper and to manage the staff.

In response to a question regarding who investigates stolen cattle, Secretary Dravland stated it is the responsibility of the county sheriff to investigate the crime. The Brand Board and the Department of Criminal Investigation may also provide assistance in the investigation.

In response to a question if the department has difficulty in getting qualified applicants for highway patrol troopers and motor carriers and if the salaries are adequate, Secretary Dravland stated the department is in good shape right now as far as recruits. They lose officers to other law enforcement agencies that pay higher salaries. There is a difference in salaries between highway patrol officers and motor carriers because their job duties are different.

The committee requested a copy of the pay scale used for troopers and motor carrier personnel.

Department's Goals, Criteria Established to Measure Goals, and Long Term Plan for Improving Current Service Levels

Secretary Dravland distributed a handout entitled "South Dakota Department of Public Safety" (**Document 5**). He gave an overview of the department goals and the functions to implement them. The goals included providing training of first responders, providing support and resources, facilitating communication and information sharing, providing public education and training, monitoring compliance with laws and regulations, coordinating response activities, and providing quality customer service.

In response to a question what additional training has occurred with the American Disabilities Act, **Colonel Dan Mosteller**, Superintendent of the South Dakota Highway Patrol, stated that the highway patrol provides training for cultural diversity, liability training, and also provides an interpreter when necessary.

Public Testimony

Ms. Dawna Leitzke, Pierre, representing the South Dakota Petroleum and Propane Marketers Association, stated all of the agencies within the Department of Public Safety that her association deals with work well with the public.

Mr. Maury LaRue, Sturgis, representing the Sturgis Volunteer Fire Department, testified that the role of a firefighter has changed since 911. Because fire fighters are now trained to cover natural disasters and hazardous material events, he stressed the importance of having centralization of records concerning training and certification. Currently the Department of Public Safety maintains all of the risk personnel training records, with the exception of the records maintained by the Department of Agriculture, Division of Wildland Fire Suppression. He asked that the committee look at the possibility of centralizing all of the training records under one department. A copy of his testimony was provided to the committee (**Document 6**).

In response to Mr. LaRue's concern, Secretary Dravland stated he would discuss the issue with Secretary Larry Gabriel, Department of Agriculture. Chair Pederson stated if legislation is necessary to resolve the issue, he asked that Secretary Dravland let the committee know prior to the next meeting.

Mr. Ron Koan, Sturgis, representing the Sturgis Volunteer Fire Department, stated that the Department of Public Safety is doing an excellent job.

Ms. Kathy Zander, Pierre, representing the South Dakota Agri-Business Association, stated that their customer service is very good and the department is very responsive to their needs. She showed the committee a lock for hydro ammonia tanks that have been purchased using homeland security funds. As far as the state inspection program, she stated that the association is concerned with the broad expertise required for the inspectors covering six departments and all inspection types and asked the committee to look further into how that works.

Ms. Brenda Forman, Pierre, representing the South Dakota Association of Cooperatives, thanked the department for their willingness to work with the industry. As far as agri-terrorism, she stressed that we need to be proactive not reactive.

Committee Discussion
Requests for Further Information
Planning for Future Meetings
Staff Directives

In response to Chair Pederson's question if there was a need for a third meeting, Senator Abdallah commented that the Legislature should be looking at the salaries for highway patrol. He stated that it costs \$45,000 to train a trooper and then other agencies recruit them.

Representative Schafer thanked the department for everything they do and she agreed with Senator Abdallah that a salary study should be done.

Representative Miles and Representative Willadsen thanked the department for a very informative presentation.

Representative Rausch stated that if a salary review was completed by this committee, perhaps it would help in the appropriations process.

Representative Hennies stated that South Dakota is a recruiting area for the entire United States and it would pay for the state to give the highway patrol a pay raise. He felt the committee should review the salary schedules and make a recommendation to the Governor.

Representative Buckingham stated that the work of the committee was not finished. He was concerned with the number of fatalities on the highways and the number of the Driving Under the Influence (DUI) arrests. He distributed an executive summary entitled "DUI System Improvements for Dealing with Hard Core Drinking Drivers" (**Document 7**) and asked that the department review and respond to it at the next meeting.

Senator Duniphan thanked the department for their presentation and suggested that in lieu of a third meeting the committee meet sometime during the first week of session to address Representative Buckingham's concerns.

Senator Kelly stated that the salary issue for highway patrol is a very difficult issue. He suggested that the department tell the committee what recruiting problems they have, how the salary schedule compares to other agencies, and see if there is merit for additional FTE's or a change in the salary structure. Based on that information, the committee could then make a recommendation to the Governor.

Chair Pederson stated that the agenda for the next meeting would be discussing salaries for highway patrol and looking at improvements to the DUI system. He set the next meeting for Monday, October 24, 2005, at 8:00 a.m.

Adjourn

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

The meeting adjourned at 3:58 p.m.



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