



SOUTH DAKOTA 9-1-1 COORDINATION BOARD

MEETING MINUTES FOR FEBRUARY 13TH, 2024

VIA ZOOM

Board Members Present: Boyd, Bryan, DeNeui, Leon (joined at 3:37PM), Olson, Serr (joined at 3:50PM), Sutton, Toomey, Wollman

Board Members Absent: Tooley

Staff Present: Jason Husby, State 9-1-1 Coordinator, Dawn Hill (DPS), Jon Bierne (DPS), Dan Lusk (DPS), Robert Perry (DPS)

Others Present: April Denholm (Lake County), Drew Duncan (Verizon), Cindy Gross (Pierre), Todd Baldwin (Lincoln County), Bill VanCamp (AT&T), TJ Nelson (T-Mobile), Kara Semmler and Ellie Bailey (SD Telecommunications Association), Shawn Peterson (Brookings), Kevin Karley (Pennington County), Ted Ruffledt

I. Call to Order and Roll Call

The meeting was called to order at 3:30 PM Central Time by DeNeui. Roll call was taken and a quorum was present.

II. Adoption of Agenda

Motion to approve the meeting agenda as presented.

Moved by: Toomey Seconded by: Sutton

Discussion: None

Vote: 7 yeas, 0 nays. Motion carried unanimously.

III. Approval of Meeting Minutes

Motion to approve the December 14, 2023 meeting minutes as presented.

Moved by: Bryan Seconded by: Boyd

Discussion: None

Vote: 7 yeas, 0 nays. Motion carried unanimously.

IV. Discussion regarding current legislation on House Bill 1092 “an act to revise provisions regarding the 9-1-1 emergency surcharge.”

Husby advised this meeting had been called at the request of board members to discuss HB 1092 and provided an explanation of events leading up to the meeting. DPS presented the 9-1-1 annual report to the Government Operations and Audit Committee (GOAC) in August 2023. The report included language about the current state of operating expenses covered by the surcharge (29%) and the fact it has been trending downward. At the time of the annual report, there was no formalized discussion on recommended surcharge increases; therefore, no recommendation was made. In October 2023, as PSAPs (Public Safety Answering Points) were working on their upcoming budget processes, the DPS 911 Coordinator became aware there was potential for a legislative request that would be carried by a local legislator on behalf of a

PSAP. As part of a regularly scheduled statewide PSAP Director's call, Troy VanDusen (Watertown PD) asked to be added to the agenda so he could address the group on potential surcharge legislation and gather feedback. During discussion on that call, there was no opposition expressed by the group. An effort was then established with his local legislators to draft HB 1092.

DeNeui advised this was a chance for the board to discuss the legislation that would be discussed on the floor tomorrow. Sutton said Aberdeen and Brown County each have a \$450,000 line item in their budget, but a surcharge increase is long overdue. Last increase was in 2012 and 12 years in between is too long. He supports the proposed increase. Wollman added that she concurs. Toomey said he felt the surcharge increase is critical for PSAPs and reasonable.

DeNeui said she was on the 911 Board when the last increase was implemented. While consolidation of PSAPs was a goal, they've had consultants evaluate their operations to consider whether consolidation would improve efficiency, but they found there would be no benefit. She indicated the surcharge funds they receive only cover 2 full time employees in their PSAP and they have nine employees. She agrees with the bill and is glad PSAPs moved forward to seek out legislation. Olson also supports the bill. She advised Pennington County has had to increase employee wages to stay competitive with other entities to keep dispatch positions filled.

Toomey advised the Sheriffs Association, Police Chiefs Association, NENA, and APCO support this bill. DeNeui added the SD Municipal League also supports it. Leon asked who opposes and why? DeNeui said a legislator she spoke to indicated he wouldn't support the bill because the board didn't attain the goals set for PSAP consolidation back in 2012. Toomey advised he recalls information about consolidation discussions and there was not a mandate for consolidation; it was a recommendation. There were 42 PSAPs in 2012 and there are 28 now.

Ted Ruffedt offered historical information. He indicated it was a consensus among those involved at the time that forced consolidation would not be helpful, so it was up to the board to find efficiencies and work toward consolidation.

Leon suggested responding to legislators that we've shown progress. She would be happy to reach out if needed. Serr indicated he reached out to a legislator personally, not as a board member, and the legislator told him there was supposed to be consolidation. Serr said they discussed the recent summer study regarding county general fund expenses and ways the state could help them.

Toomey said he understands asking for an increase is difficult but look at the advancements the statewide 911 system has made since 2012. We also need to look at the increase in costs for equipment and salaries since then. The percentage of costs the surcharge covers continues to drop. Ruffedt said the percentage was never written in admin rule or state statute. Initially, it was thought it should cover 45-55 percent of costs. Toomey advised the surcharge for Custer County only covers 19%.

Serr reiterated he has personally reached out to legislators to ask their support for HB 1092. Leon said we are a small state and there will be times when we may need to rely on each other. We should be interested in this not just locally but statewide. Leon asked if the president is looking for a specific motion or action from the board today.

DeNeui indicated she would like direction from the board to draft a statement/letter of support for HB 1092 that would be signed by the president and could be sent to legislators.

Motion to draft a statement/letter of support for House Bill 1092 for the president to sign and send to legislators.

Moved by: Toomey Seconded by: Serr

Discussion: Boyd advised he would abstain from vote as a member of a telecommunications company who collects the surcharge (citing conflict of interest). Bryan expressed the same. Serr asked Husby if there is any policy relevant to the board drafting/sending a letter of support for pending legislation. Husby indicated DPS Deputy Secretary Dan Lusk was present and could answer his question. Lusk advised it is within the purview of the board to draft a statement/letter of support for the legislation.

Vote: 7 yeas, 0 nays. Motion carried.

V. Public Comment

Drew Duncan (Verizon) indicated he was in the room in 2008 and 2012 during surcharge fee discussions. He said the 45-55% coverage of PSAP costs was part of a larger discussion based on seeing greater consolidation due to advancements in technology. He has read meeting minutes from past board meetings and has not seen where there have been discussions about possible PSAP consolidation as a way to wisely use surcharge funding. He also indicated it would have been nice for service providers to be included in surcharge increase discussion earlier than one day before the bill was to be heard on the House floor.

Bill VanCamp (AT&T) indicated there were three pieces of legislation in 2012 and there had been a lot of open dialog and collaboration with service providers ahead of that to make sure their collections would be spent in a responsible manner. He hoped before the 911 Coordination Board would go to the legislature they would involve industry folks who have to explain to their customers why their surcharge amount, which is currently the 4th highest in the nation, is going even higher.

Leon asked if South Dakota's surcharge rate is higher because we're so small? TJ Nelson (T-Mobile) advised if South Dakota goes to \$2 per line, they will have the 3rd highest surcharge in the country. He felt any request to increase the surcharge amount should be needs-based and the justification should be made early on before it is enacted.

April Denholm (Lake County 911) said if anyone is concerned whether the people of South Dakota are getting value for their dollars, they should consider South Dakota's statewide 911 system is way ahead of other states. South Dakota collects just one statewide surcharge, while other states also assess a city and/or county surcharge amount in addition to statewide 911 surcharge. We have only one surcharge amount for the entire state. Our citizens have much better value for the amount collected. PSAPs well exceed the standards for 911 call taking and response and provide better customer service than other states.

TJ Nelson (T-Mobile) stated we all want service to the public to be the best it can be. We feel the process has been rushed this year and it is really frustrating not to have had these discussions sooner.

Kara Semmler (SD Telecommunications Association) said they are proud of and appreciate the work of our PSAPs and first responders. As the tax collector in this scenario, we answer to the consumers. Help us help them understand why this increase is needed. Please engage with us before getting this far in the process.

DeNeui thanked everyone for their comments and asked if anyone had anything further. With no further discussion, she closed public comment.

VI. Adjourn

Motion to adjourn the meeting.

Moved by: Toomey Seconded by: Sutton

Discussion: None

Vote: 9 yeas, 0 nays. Motion carried unanimously.

Meeting adjourned at 4:17 PM Central Time.