



**Legislative  
Research  
Council**

# MINUTES

**Bureau of Information and  
Telecommunications Agency  
Review Committee**

---

**Fourth & Final Meeting  
2004 Interim  
November 5, 2004**

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

The fourth and final meeting of the interim Bureau of Information and Telecommunications Agency Review Committee was called to order by Senator John Koskan, Vice-Chair, at 9:02 a.m. on Friday, November 5, 2004, in LCR 1 & 2 of the State Capitol Building in Pierre, South Dakota.

A quorum was established with the following members answering the roll call: Senators Jerry Apa, Dick Kelly, and John Koskan (Vice-Chair); and Representatives Mike Buckingham, Tom Hackl, and Gordon Pederson. Representative Donna Schafer joined the meeting following the roll call. Representatives J.E. "Jim" Putnam (Chair), Elizabeth Kraus, David Sigdestad, and Paul Valandra were excused.

Staff members present included Aaron Olson, Fiscal Analyst, and Kris Schneider, Legislative Secretary.

**(NOTE):** For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the master minutes.)

### **Approval of Minutes**

**REPRESENTATIVE BUCKINGHAM MOVED, SECONDED BY SENATOR KELLY, THAT THE OCTOBER 4, 2004, MINUTES BE APPROVED AS PRINTED AND MAILED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

### **Vice-Chair Remarks**

Vice-Chair Koskan stated that Representative Putnam was unable to attend the meeting due to a death in the family. The committee expressed their condolences to him and his family with a moment of silence.

Vice-Chair Koskan reviewed the guidelines for a Typical Study Plan for Interim Sunset Committees which was distributed at the first meeting. He stated the purpose of today's meeting was final committee discussion and action so that the final report of committee findings could be submitted to the Executive Board at their November 22 meeting.

### **Draft Legislation**

**Commissioner Otto Doll**, Bureau of Information and Telecommunications (BIT), distributed and discussed a handout concerning BIT statutes that should be cleaned up (**Document 1**). He proposed that since the Rural Development Telecommunications Network (RDTN) was replaced by the Digital Dakota Network (DDN) in the late 1990s and because the Rural Development Telecommunications Board was now defunct, the RDTN be replaced by the DDN and that the statutes regarding the defunct board be repealed.

**SENATOR KELLY MOVED, SECONDED BY REPRESENTATIVE PEDERSON, THAT LEGISLATION BE DRAFTED AND ADOPTED INTO THE FINAL REPORT THAT WOULD 1) CHANGE THE RURAL DEVELOPMENT TELECOMMUNICATIONS NETWORK TO THE DIGITAL DAKOTA NETWORK, AND 2) REPEAL THE STATUTES REGARDING THE RURAL DEVELOPMENT TELECOMMUNICATIONS BOARD. MOTION PREVAILED ON A ROLL CALL VOTE WITH 6 AYES, 5 EXCUSED. MEMBERS VOTING AYE: BUCKINGHAM, HACKL, KELLY, KOSKAN, PEDERSON, AND SCHAFFER. EXCUSED WERE APA, KRAUS, PUTNAM, SIGDESTAD, AND VALANDRA.**

Commissioner Doll also proposed that since BIT has accomplished the creation of the statewide Radio System and the move of the dispatch centers to the Department of Public Safety, the language seeking a plan for integrated telecommunications functions and facilities should be repealed.

**SENATOR KELLY MOVED, SECONDED BY REPRESENTATIVE BUCKINGHAM, THAT LEGISLATION BE DRAFTED AND ADOPTED INTO THE FINAL REPORT THAT WILL REPEAL § 33-45-33. MOTION PREVAILED ON A ROLL CALL VOTE WITH 6 AYES, 5 EXCUSED. MEMBERS VOTING AYE: BUCKINGHAM, HACKL, KELLY, KOSKAN, PEDERSON, AND SCHAFFER. EXCUSED WERE APA, KRAUS, PUTNAM, SIGDESTAD, AND VALANDRA.**

Vice-Chair Koskan stated that the proposed legislation will be Senate bills with Senator Kelly as prime sponsor. If a committee member voted aye, they will be listed as a sponsor.

### **Comparison of BIT to Other States**

**Mr. Olson** presented a brief comparison of BIT with the Michigan Department of Information Technology (**Document 2**) and the Virginia Information Technologies Agency (**Document 3**). (The documents were previously mailed to the committee.) Mr. Olson stated that the funding sources for the three states were similar, with other funds being the primary funding source and little use of general funds. Mr. Olson also stated that the missions, strategic plans, and goals were similar among the three states. Because Virginia is in the process of completing its consolidation, there was no statistical information available.

In response to committee questions about the comparison, Commissioner Doll stated that the ratios were not the same; Michigan has ten times more the people than South Dakota.

### **Committee Discussion and Directives to BIT**

The committee discussed the need to have northwestern South Dakota covered for emergency broadcasting and weather alerts. They also discussed the possibility of working with North Dakota's public broadcasting to cover the sparsely populated areas. Commissioner Doll stated that the two states have shared some internal locally developed programming; however, they have not shared infrastructure. Senator Kelly requested that in the final report to the Executive Board that BIT be asked to provide additional information regarding putting up a 1,500 ft. tower versus a 600 ft. tower and sharing the costs of the tower with North Dakota. There was a brief discussion on the use of satellite signals versus cable signals versus over the air waves. (Following Ms. Andersen's testimony later in the meeting regarding the tower in Faith, Senator Kelly withdrew his request.)

**Ms. Julie Andersen**, Public Broadcasting Director, joined the meeting at 10:15 a.m. via telephone. She stated that she had been listening briefly to the meeting via the Internet and wished to clarify some details specific to northwestern South Dakota. She stated that Faith is in the process of being brought into the public broadcasting area; federal funding has been obtained and the equipment just needs to be purchased and installed. She stated that the problem areas are Beresford and Vermillion. Because certain indexes were not met, the federal funding is not there. As far as satellites, she stated that satellites are now carrying their signal in eastern South Dakota and that coverage for western South Dakota will begin next year.

In response to a question regarding getting Vermillion into compliance with the federal mandate, Ms. Andersen estimates it will cost the state between \$250,000 and \$500,000 to be in compliance by July 2006. She stated that if we do not comply with the mandate of higher power levels, we will lose our primary rights.

Ms. Andersen stated that they are currently having conversations with other states on how they can work together regionally to provide educational and emergency broadcast services.

Vice-Chair Koskan requested that BIT provide, to the Legislative Research Council, a quarterly summary of the projects that the Senior IT committee has reviewed for a period of two years that show how the money is being spent.

Representative Buckingham asked Commissioner Doll to explain South Dakota's policy regarding e-mails and maintaining those as a public record. Commissioner Doll stated that BIT follows the rules established by the Bureau of Administration for records management. Once an e-mail is deleted by the user, within six weeks it is gone from the servers. Regarding the issue of e-mails as a public record, he stated that the Attorney General is currently looking into that interpretation.

### **Sunset Directive**

**REPRESENTATIVE PEDERSON MOVED, SECONDED BY REPRESENTATIVE SCHAFER, THAT THE COMMITTEE RECOMMEND TO THE EXECUTIVE BOARD THAT THE BUREAU OF INFORMATION AND TELECOMMUNICATIONS BE CONTINUED, HAVING FOUND THAT THE BUREAU MET THE BURDEN OF ESTABLISHING THAT SUFFICIENT PUBLIC NEED IS PRESENT TO JUSTIFY ITS CONTINUED EXISTENCE. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

### **Closing Comments**

Vice-Chair Koskan thanked the staff of BIT, LRC staff, and the committee for all of their hard work. He stated it was a very good learning process. He asked staff to prepare the draft legislation in the proper style and form and mail the drafts to the committee.

### **Adjournment**

**REPRESENTATIVE PEDERSON MOVED, SECONDED BY REPRESENTATIVE HACKL, THAT THE MEETING ADJOURN. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.**

The meeting adjourned at 10:39 a.m.



Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).