

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

176B0126

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1209** - 1/28/98

Introduced by: Representatives Duniphan, Brooks, Derby, Eccarius, Fischer-Clemens, Hassard, Koetzle, Lee, Matthews, Pederson (Gordon), and Pummel and Senators Aker, Dunn (Rebecca), Ham, Olson, Shoener, and Whiting

1 FOR AN ACT ENTITLED, An Act to require the training and certification of 911
2 telecommunicators, to increase certain liquidated costs, and to appropriate that increase for
3 such training and certification.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The term, 911 telecommunicator, as used in this Act, means any employee of the
6 state, or any political subdivision thereof, whose primary full-time or part-time duties are
7 receiving, processing, and transmitting public safety information received through a 911
8 emergency reporting system as defined in § 34-45-1.

9 Section 2. The term, commission, as used in this Act, means the Law Enforcement Officers
10 Standards Commission created pursuant to §§ 23-3-28 and 23-3-30.

11 Section 3. No person may be appointed as a 911 telecommunicator, except on a temporary
12 or probationary basis, unless the person has satisfactorily completed a preparatory program of
13 911 telecommunicator training at a school approved by the commission. No 911
14 telecommunicator may be employed on a temporary or probationary basis beyond one year if the

telecommunicator lacks the educational and training qualifications required by the commission. However, in municipalities of the third class, a 911 telecommunicator's probationary period may be extended for one additional year.

Section 4. The effective date of section 3 of this Act is July 1, 1999.

Section 5. The commission shall, by rules promulgated pursuant to chapter 1-26, establish qualifications for the employment and training of 911 telecommunicators which relate to the competence and reliability of a person to assume and discharge the responsibilities of a 911 telecommunicator. The qualifications shall include minimum age, education standards, physical standards, mental standards, citizenship, character, competence, experience, and reliability. The commission shall, by rules promulgated pursuant to chapter 1-26, prescribe the means by which a person may demonstrate fulfillment of the qualifications.

Section 6. Notwithstanding §§ 23A-27-14 and 23A-27-17, the commission may refuse the application of any person who seeks certification as a 911 telecommunicator or may revoke the certification of any 911 telecommunicator if the person or the 911 telecommunicator has received an order pursuant to § 23A-27-13.

Section 7. The Legislature finds that any person serving as a 911 telecommunicator on July 1, 1999 meets any requirements established pursuant to section 5 of this Act as a condition of tenure or continued employment and no further evidence of qualifications may be required by the commission.

Section 8. The commission may promulgate rules pursuant to chapter 1-26:

- (1) To require the submission of reports and information by a public safety answering point, as defined by subdivision 34-45-1(10), within this state;
- (2) To establish minimum educational and training standards for admission to temporary or probationary employment as a 911 telecommunicator;
- (3) To certify persons as being qualified as 911 telecommunicators under the provisions

1 of this Act ;

2 (4) To establish criteria and procedure for the revocation or suspension of the
3 certification of 911 telecommunicators who are convicted of a felony or misdemeanor
4 involving moral turpitude, have intentionally falsified any application or document to
5 achieve certification, or have been discharged from employment for cause or engaged
6 in conduct unbecoming a 911 telecommunicator;

7 (5) Establish minimum curriculum requirements for preparatory, in-service and advanced
8 courses and programs.

9 Section 9. The commission may:

10 (1) Consult and cooperate with counties, municipalities, agencies of this state, other
11 governmental agencies, and other institutions concerning the development of 911
12 telecommunicator training;

13 (2) Make or encourage studies of any aspect of 911 telecommunicator administration;

14 (3) Conduct and stimulate research by public and private agencies which shall be designed
15 to improve 911 telecommunicator training and administration;

16 (4) Make recommendations concerning any matter within its purview pursuant to this
17 Act;

18 (5) Make such evaluations as may be necessary to determine if governmental units are
19 complying with the provisions of this Act;

20 (6) Enter into contracts or do such things as may be necessary and incidental to the
21 administration of its authority pursuant to this Act.

22 Section 10. That § 23-3-52 be amended to read as follows:

23 23-3-52. In addition to any other penalty, assessment or fine provided by law, there shall be
24 levied liquidated costs in the amount of ~~nineteen~~ twenty dollars for partial reimbursement to state
25 government and its subdivisions for law enforcement and judicial expenses incurred in providing

the personnel, training and facilities relative to the criminal justice system and to the 911 emergency reporting system, on each conviction for the following:

- (1) Violation of state statutes or regulations having criminal penalties; or
- (2) Violation of county or municipal ordinances.

If a fine is suspended in whole or in part, the liquidated costs for law enforcement and training may not be reduced, except that the judge may waive all or any part of the payment of liquidated costs which would work a hardship on the person convicted or on ~~his~~ the person's immediate family.

Section 11. There is hereby created within the state treasury the 911 telecommunicator training fund into which shall be deposited moneys as provided by § 23-3-53. All moneys in the fund created by this section are continuously appropriated for the purposes of training and certifying of 911 telecommunicators. The Division of Criminal Investigation shall authorize disbursements from the fund.

Section 12. That § 23-3-53 be amended to read as follows:

23-3-53. After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit such amount monthly to the state treasurer. The state treasurer shall place fifteen dollars of the ~~nineteen-dollar~~ twenty-dollar fee into the law enforcement officers training fund, three dollars of the ~~nineteen-dollar~~ twenty-dollar fee into the court appointed attorney and public defender payment fund, one dollar of the twenty-dollar fee into the 911 telecommunicator training fund, and one dollar of the ~~nineteen-dollar~~ twenty-dollar fee into the abused and neglected child defense fund.

Section 13. The commission shall establish and maintain 911 telecommunicator basic, advanced, and in-service training programs.

Section 14. That § 23-3-46 be amended to read as follows:

23-3-46. The Division of Criminal Investigation, Office of Attorney General, is hereby

1 designated as the agency in state government to co-ordinate and administer all programs under
2 §§ 23-3-26 to 23-3-47, inclusive, and this Act.

3 Selection and payment of personnel to implement training and other programs authorized by
4 ~~said these sections will be~~ is the responsibility of the Division of Criminal Investigation, from the
5 911 telecommunicator training fund.

1 **BILL HISTORY**

2 1/21/98 First read in House and referred to Local Government. H.J. 152

3 1/27/98 Scheduled for Committee hearing on this date.

4 1/27/98 Local Government Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 255