

AN ACT

ENTITLED, An Act to revise the telecommunications services program to include current and developing technology.

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

Section 1. That § 49-31-47 be amended to read as follows:

49-31-47. The Department of Human Services shall establish and administer a statewide program to provide telecommunication and other communication devices and services to residents of this state who have disabilities that prevent them from having communication access and maintain a dual party relay system making all phases of public telecommunications and communication service available to persons who are deaf, severely hearing impaired or speech impaired. This program may be implemented through contracts with public or private organizations that provide services to persons who are deaf or persons with other severe disabilities.

Section 2. That § 49-31-48 be amended to read as follows:

49-31-48. A telecommunication or communication device for individuals with disabilities is a device that enables the individual to communicate. A dual party relay system provides voice, digital and electronic text, or visual communication between users of telecommunication or communication devices and other persons.

Section 3. That § 49-31-49 be amended to read as follows:

49-31-49. A telecommunication or communication device furnished by the Department of Human Services pursuant to the provisions of §§ 49-31-47 to 49-31-56, inclusive, remains the property of the state for three years, after which it becomes the property of the recipient. During the initial three years, a person who receives a telecommunication or communication device from the department pursuant to the provisions of this section is liable to the department for the loss of or damage to the device. Any money collected by the department pursuant to the provisions of this

section shall be deposited in the telecommunication fund from which the expenditure occurred.

Section 4. That § 49-31-50 be amended to read as follows:

49-31-50. There is created in the state treasury the telecommunication fund for the deaf and the telecommunication fund for other disabilities for the deposit and disbursement of money collected pursuant to the provisions of §§ 49-31-49 and 49-31-51. There is hereby continuously appropriated the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, each year from the telecommunication fund for the deaf to the Department of Human Services to provide one or two cochlear implants to any child who suffers from severe to profound hearing loss. The child shall be less than twenty-one years of age at the time of the implant.

Section 5. That § 49-31-51 be amended to read as follows:

49-31-51. There is hereby imposed an access fee of fifteen cents per local exchange service line per month, fifteen cents per cellular telephone per month in accordance with the provisions provided in subdivision 34-45-1(7), and fifteen cents per radio pager device per month to pay for the program established in § 49-31-47. The access fee shall be paid by each local exchange subscriber to a local exchange service, or by each cellular telephone or radio pager service subscriber to the service provider, unless the subscriber is otherwise exempt from taxation. The access fee shall be reported as a separate line or service and collected on the regular monthly bill by each local exchange telecommunications company or other service provider operating in this state. On or before the last day of the month following each two-month period, every telecommunications company providing local exchange service or other service provided specified in this section shall remit to the Department of Revenue on forms furnished by the department the amount of the access fee collected for that two- month period. The secretary of revenue may grant an extension of not more than five days for filing a remittance. The Department of Revenue shall deposit ninety percent of the money received pursuant to the provisions of §§ 49-31-47 to 49-31-56, inclusive, into the

telecommunication fund for the deaf and ten percent in the telecommunication fund for other disabilities.

Section 6. That § 49-31-56 be amended to read as follows:

49-31-56. Expenditures authorized by the provisions of §§ 49-31-47 to 49-31-56, inclusive, shall be paid on warrants drawn by the state auditor on vouchers approved by the secretary of the Department of Human Services. Expenditure for services for individuals who have deafness, deaf blindness, hearing impairments, and speech impediments and expenditures for the dual party relay service shall be paid from the telecommunication fund for the deaf. Expenditure for services for individuals with all other disabilities shall be paid from the telecommunication fund for other disabilities.

Section 7. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Human Services may promulgate rules, pursuant to chapter 1-26, for the administration of the telecommunications and communication services program. The rules may include:

- (1) Eligibility determination, criteria, and application procedures;
- (2) The amount and scope of services; and
- (3) Methods of administration.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1166

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1166
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State