

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

693Z0857

## SENATE BILL NO. 195

Introduced by: Senators Nesiba, Frerichs, Heinert, Kennedy, and Killer and Representatives Ring, Bartling, Bordeaux, Hawley, Lesmeister, McCleerey, and Wismer

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the state  
2 procurement process for internet, data, and telecommunications services.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 For the purposes of this Act, the term, telecommunications services, includes internet and  
6 data services.

7 Section 2. That the code be amended by adding a NEW SECTION to read:

8 To be awarded a contract with the state for the provision of telecommunications services,  
9 a service provider shall publicly disclose to all of the provider's customers in the state, including  
10 the state itself, accurate information regarding the network and transport management practices  
11 including cellular data and wireless broadband transport, performance and commercial terms  
12 of the provider's broadband internet access services sufficient for consumers to make informed  
13 choices regarding use of the services and for content, application, service, and device providers  
14 to develop, market, and maintain internet offerings.

15 Section 3. That the code be amended by adding a NEW SECTION to read:



1 To receive a contract from the state for the provision of telecommunications services, a  
2 service provider may not, with respect to any consumer in the state, including the state itself as  
3 a consumer:

- 4 (1) Block lawful content, applications, services, or nonharmful devices, subject to  
5 reasonable network management that is disclosed to the consumer;
- 6 (2) Throttle, impair or degrade lawful internet traffic on the basis of internet content,  
7 application, or service, or use of a nonharmful device, subject to reasonable network  
8 management that is disclosed to the consumer;
- 9 (3) Engage in paid prioritization;
- 10 (4) Unreasonably interfere with or unreasonably disadvantage end users' ability to select,  
11 access, and use broadband internet access service or the lawful internet content,  
12 applications, services, or devices of their choice; or
- 13 (5) Unreasonably interfere with or unreasonably disadvantage edge providers' ability to  
14 make lawful content, applications, services, or devices available to end users.

15 Section 4. That the code be amended by adding a NEW SECTION to read:

16 The Bureau of Administration may promulgate rules pursuant to chapter 1-26 or other  
17 policies and guidance as deemed necessary and appropriate to carry out the provisions of this  
18 Act and to monitor the Act's enforcement.

19 Section 5. That the code be amended by adding a NEW SECTION to read:

20 Each contracting department or agency that procures telecommunications services shall  
21 cooperate with the Bureau of Administration in implementing this Act and provide information  
22 and assistance as the bureau requires in the performance of the bureau's functions pursuant to  
23 this Act. Agencies shall receive approval from the Bureau of Administration before procuring  
24 internet services, including cellular data or wireless broadband internet services.