

AN ACT

ENTITLED, An Act to impose a fee on certain wireless communications devices to support telecommunications services for the deaf and for persons with other disabilities.

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 purchase and distribute telecommunication devices to residents of this state who have disabilities that prevent them from using a telephone and establish a dual party relay system making all phases of public telecommunications 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 device for individuals with disabilities is an electrical or mechanical device for use with a telephone that enables the individual to communicate through a telephone. A dual party relay system provides voice and teletype communication between users of telecommunication devices and other persons.

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

49-31-49. A telecommunication device furnished by the Department of Human Services under §§ 49-31-47 to 49-31-56, inclusive, remains the property of the state. A person who receives a telecommunication device from the department under this section is liable to the department for the loss of or damage to the device. Any money collected by the department under 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 under § 49-31-49 and § 49-31-51.

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, 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 under §§ 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 §§ 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.

An Act to impose a fee on certain wireless communications devices to support telecommunications services for the deaf and for persons with other disabilities.

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I certify that the attached Act originated in the

SENATE as Bill No. 232

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 232  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State