

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

192A0694

SENATE COMMERCE COMMITTEE ENGROSSED

NO. **SB232** - 2/12/97

Introduced by: Senators Daugaard and Hainje and Representative Fiegen

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

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

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

5 49-31-47. The Department of Human Services shall establish and administer a statewide  
6 program to purchase and distribute telecommunication devices to residents of this state who ~~are~~  
7 ~~deaf, severely hearing impaired or speech impaired~~ have disabilities that prevent them from using  
8 a telephone and establish a dual party relay system making all phases of public  
9 telecommunications service available to persons who are deaf, severely hearing impaired or  
10 speech impaired. This program may be implemented through contracts with public or private  
11 organizations that provide services to persons who are deaf, ~~severely hearing impaired or speech~~  
12 ~~impaired~~ or persons with other severe disabilities.

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

14 49-31-48. A telecommunication device for ~~the deaf~~ individuals with disabilities is an electrical  
15 or mechanical device for use with a telephone that ~~uses a keyboard, acoustic coupler, display~~

1 ~~screen or braille display to transmit and receive messages~~ enables the individual to communicate  
2 through a telephone. A dual party relay system provides voice and teletype communication  
3 between users of telecommunication devices and other persons.

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

5 49-31-49. A telecommunication device furnished by the Department of Human Services  
6 under §§ 49-31-47 to 49-31-56, inclusive, remains the property of the state. A person who  
7 receives a telecommunication device from the department under this section is liable to the  
8 department for the loss of or damage to the device. Any money collected by the department  
9 under this section shall be deposited in the telecommunication fund ~~for the deaf~~ from which the  
10 expenditure occurred.

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

12 49-31-50. There is created in the state treasury ~~a special fund called the telecommunication~~  
13 ~~fund for the deaf~~ and the telecommunication fund for other disabilities for the deposit and  
14 disbursement of money collected under § 49-31-49 and ~~for the deposit and disbursement of the~~  
15 ~~telecommunication access for the deaf access fee~~ § 49-31-51.

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

17 49-31-51. There is hereby imposed an access fee of fifteen cents per local exchange service  
18 line per month, fifteen cents per cellular telephone per month, and fifteen cents per radio pager  
19 device per month to pay for the program established in § 49-31-47. The access fee shall be paid  
20 by each local exchange subscriber to a local exchange service, or by each cellular telephone or  
21 radio pager service subscriber to the service provider, unless the subscriber is otherwise exempt  
22 from taxation. The access fee shall be reported as a separate line or service and collected on the  
23 regular monthly bill by each local exchange telecommunications company or other service  
24 provider operating in this state. On or before the last day of the month following each two month  
25 period, every telecommunications company providing local exchange service or other service

1 provided specified in this section shall remit to the Department of Revenue on forms furnished  
2 by the department the amount of the access fee collected for that two month period. The  
3 secretary of revenue may grant an extension of not more than five days for filing a remittance.  
4 The Department of Revenue shall deposit ninety percent of the money received under  
5 §§ 49-31-47 to 49-31-56, inclusive, into the ~~telecommunications~~ telecommunication fund for the  
6 deaf and ten percent in the telecommunication fund for other disabilities.

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

8 49-31-56. Expenditures authorized by §§ 49-31-47 to 49-31-56, inclusive, shall be paid on  
9 warrants drawn by the state auditor on vouchers approved by the secretary of the department  
10 of human services. Expenditure for services for individuals who have deafness, deaf blindness,  
11 hearing impairments, and speech impediments and expenditures for the dual party relay service  
12 shall be paid from the telecommunication fund for the deaf. Expenditure for services for  
13 individuals with all other disabilities shall be paid from the telecommunication fund for other  
14 disabilities.

1 **BILL HISTORY**

2 2/3/97 First read in Senate and referred to Commerce. S.J. 281

3 2/11/97 Scheduled for Committee hearing on this date.

4 2/11/97 Commerce Do Pass Amended, AYES 6, NAYS 1. S.J. 386

5 2/11/97 Commerce Title Amended.