

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

706B0548

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1142** - 2/24/98

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Gabriel, Duxbury, Jorgensen, and Pederson (Gordon) and Senators Morford, Drake, and Johnson (William)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the regulation of
2 telecommunication companies and telecommunication services.

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

4 Section 1. It is in the public interest and essential that local exchange telecommunication
5 companies over all of South Dakota continue to be viable providers of affordable local exchange
6 services. Local exchange telecommunication companies receive substantial revenue necessary
7 to support the exchange from a minority of their customers. Local exchange telecommunication
8 companies must be allowed to compete to keep their profitable customers in order to maintain
9 the viability of local exchanges.

10 Notwithstanding any other provisions of chapter 49-31, any telecommunication company
11 may grant any discounts, incentives, services, or other business practices necessary to meet
12 competition. Nothing in chapter 49-31 restricts or prevents telecommunication companies from
13 offering reduced prices and special terms and conditions for this state, its existing
14 instrumentalities and subdivisions, for the United States and for K through 12 schools accredited

1 by the secretary of the Department of Education and Cultural Affairs.

2 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any regulation of telecommunications service by the commission pursuant to chapters 49-13
5 and 49-31 shall be fair, reasonable, nondiscriminatory and applicable to all telecommunications
6 carriers providing service in the state. The commission shall establish, by rules promulgated
7 pursuant to chapter 1-26, quality of service standards.

8 Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Prices as of January 1, 1998, for residential and business local exchange service, both
11 recurring and nonrecurring, for a telecommunications company with more than two hundred
12 thousand retail access lines in the state may not be changed unless reduced by the company. If
13 the telecommunications company reduces its rates pursuant to this Act, it may not subsequently
14 increase such rates. The provisions of § 49-31-4 and §§ 49-31-12 to 49-31-12.5, inclusive, do
15 not apply to prices for services regulated by this section.

16 Section 4. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 Dialing parity, as defined in 47 U.S.C. § 153 (15) as of January 1, 1998, for purposes of
19 intraLATA long distance telecommunications services, may not be implemented by order of the
20 commission until all providers of toll services are authorized to provide interLATA services
21 which originate in this state.

22 Section 5. Nothing in this Act exempts any telecommunications company from any state or
23 federal antitrust laws.

1 **BILL HISTORY**

2 1/20/98 First read in House and referred to State Affairs. H.J. 124

3 1/30/98 Scheduled for Committee hearing on this date.

4 1/30/98 State Affairs Deferred to another day.

5 2/4/98 Scheduled for Committee hearing on this date.

6 2/4/98 State Affairs Deferred to another day.

7 2/9/98 Scheduled for Committee hearing on this date.

8 2/11/98 State Affairs Hog Housed.

9 2/11/98 Scheduled for Committee hearing on this date.

10 2/11/98 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 575

11 2/12/98 House of Representatives Deferred to another day, AYES 62, NAYS 3. H.J. 634

12 2/13/98 Motion to Amend, Passed. H.J. 675

13 2/13/98 Motion to Amend, Passed. H.J. 675

14 2/13/98 House of Representatives Do Pass Amended, Passed, AYES 47, NAYS 19. H.J. 675

15 2/14/98 Scheduled for Committee hearing on this date.

16 2/14/98 First read in Senate and referred to State Affairs. S.J. 535

17 2/18/98 Scheduled for Committee hearing on this date.

18 2/20/98 Scheduled for Committee hearing on this date.

19 2/23/98 Scheduled for Committee hearing on this date.

20 2/23/98 State Affairs Do Pass Amended, Passed, AYES 5, NAYS 3. S.J. 646