

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

631L0113

SENATE BILL NO. 10

Introduced by: Senators Kelly and Koskan and Representatives Putnam, Buckingham, Hackl, Pederson (Gordon), and Schafer at the request of the Interim Committee on Bureau of Information and Telecommunications Agency Review

1 FOR AN ACT ENTITLED, An Act to revise certain references to the Rural Development
2 Telecommunications Network language with appropriate references to the Digital Dakota
3 Network.

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

5 Section 1. That § 1-25-1 be amended to read as follows:

6 1-25-1. Except as otherwise provided by law, the official meetings of the state and the
7 political subdivisions thereof, including all related boards, commissions and other agencies, and
8 the official meetings of boards, commissions and agencies created by statute or which are
9 nontaxpaying and derive a source of revenue directly from public funds, shall be open to the
10 public, except as provided in this chapter. Meetings, including executive or closed meetings may
11 be conducted by teleconference. Members shall be deemed present if they answer present to the
12 roll call taken by teleconference. Any vote at a meeting held by teleconference shall be taken
13 by roll call. Except for executive or closed meetings held by teleconference, there shall be
14 provided one or more places at which the public may listen to and participate in the proceeding.
15 Except for executive or closed meetings held by teleconference of related boards and



1 commissions of the state, there shall be provided two or more places at which the public may
2 listen to and participate in the proceeding. Except for the ~~Rural Development~~
3 ~~Telecommunications~~ Digital Dakota Network, no teleconference may be used in conducting
4 hearings or taking final disposition pursuant to § 1-26-4. Teleconference meetings are subject
5 to the notice provisions of chapter 1-25.

6 A violation of this section is a Class 2 misdemeanor.

7 Section 2. That § 1-26D-5 be amended to read as follows:

8 1-26D-5. The chief hearing examiner shall adopt rules pursuant to chapter 1-26 for the
9 operation of the Office of Hearing Examiners and for the procedures to be used with regard to
10 hearing contested cases and may specifically adopt rules pertaining to the use of the ~~Rural~~
11 ~~Development Telecommunications~~ Digital Dakota Network.

12 Section 3. That § 1-33-26 be amended to read as follows:

13 1-33-26. There is hereby created within the Bureau of Information and Telecommunications
14 an Office of ~~Rural Development Telecommunications~~ Digital Dakota Network for the purposes
15 of advising the commissioner of information and telecommunications in identifying statewide
16 video telecommunications network options, creating a telecommunications network, providing
17 cost-effective services for education, government, business, and rural economic development,
18 ensuring network uses are consistent with the best interests of the state and network users. The
19 Bureau of Information and Telecommunications shall establish policies and rules to implement
20 the ~~Rural Development Telecommunications~~ Digital Dakota Network.

21 Section 4. That § 1-33-32 be amended to read as follows:

22 1-33-32. The Bureau of Information and Telecommunications shall prepare and submit
23 budgets and proposals for management of the ~~Rural Development Telecommunications~~ Digital
24 Dakota Network to the commissioner of information and telecommunications.

1 Section 5. That § 1-33-35 be amended to read as follows:

2 1-33-35. Operation of the ~~Rural Development Telecommunications~~ Digital Dakota Network
3 including design of a video network structure compatible with the existing telecommunications
4 infrastructure, the administration of a billing service system for users of the network and issues
5 related to operation of the network shall continue to be the responsibility of the Bureau of
6 Information and Telecommunications pursuant to chapter 1-33.

7 Section 6. That § 1-33-36 be amended to read as follows:

8 1-33-36. The Bureau of Information and Telecommunications may adopt, pursuant to
9 chapter 1-26, administrative rules regarding ~~Rural Development Telecommunications~~ Digital
10 Dakota Network operations, practices, procedures, billings, fees, sites, program sources,
11 program content, program distribution, terminal sites, and any other need identified for
12 successful operation of the ~~Rural Development Telecommunications~~ Digital Dakota Network.

13 Section 7. That § 1-33-59 be amended to read as follows:

14 1-33-59. The functions, authorities, and positions of the Office of ~~Rural Development~~
15 ~~Telecommunications~~ Digital Dakota Network, pursuant to chapter 1-33 are hereby transferred
16 to the Bureau of Information and Telecommunications.

17 Section 8. That § 1-33-27 be repealed.

18 ~~1-33-27. The Board of Directors shall consist of seven members appointed by the Governor~~
19 ~~as follows:~~

20 ~~(1) One to represent the Department of Education;~~

21 ~~(2) One to represent the Board of Regents and postsecondary educational facilities;~~

22 ~~(3) One to represent local school districts;~~

23 ~~(4) One to represent local government;~~

24 ~~(5) One to represent state government;~~

1 ~~— (6) — One to represent private business; and~~

2 ~~— (7) — One to represent the technology/user related fields of private business.~~

3 ~~— Not all members of the board may be of the same political party.~~

4 Section 9. That § 1-33-28 be repealed.

5 ~~— 1-33-28. The term of appointment for the initial board members shall be as follows: Two~~
6 ~~members shall be appointed for a term of one year; three members shall be appointed for a term~~
7 ~~of two years; and two members shall be appointed for a term of three years. The Governor shall~~
8 ~~designate the terms of the initial members at the time appointment, and shall designate the initial~~
9 ~~chairman of the board. Annually thereafter, the board shall elect a chairman and vice chairman.~~

10 Section 10. That § 1-33-29 be repealed.

11 ~~— 1-33-29. The commissioner of information and telecommunications may employ such~~
12 ~~persons as may be necessary to assist in the implementation of board policies and directives.~~
13 ~~Such persons shall be employees of the executive branch of state government, reporting to the~~
14 ~~commissioner and subject to the statutes, rules, and other conditions of employment applied to~~
15 ~~employees in the Office of the Governor.~~