

**SECOND ENGROSSMENT
with Senate Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1182

Introduced by

Education Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to amend and reenact section 49-21-01.1 of the North Dakota Century Code,
2 relating to the definition of telecommunications service for purposes of telecommunications
3 regulation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 49-21-01.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-21-01.1. Inapplicability of provisions of chapter.** Telecommunications service
8 does not include and the provisions of this title do not apply to:

- 9 1. The one-way transmission of radio or television signals for broadcast purposes,
10 including the one-way transmission of video programming or other programming
11 service by a cable system as well as subscriber interaction, if any, which is
12 required for the selection of such video programming or other programming
13 service.
- 14 2. A hospital, hotel, motel, or similar place of temporary accommodation owning or
15 operating message switching or billing equipment solely for the purpose of
16 reselling telecommunications services to its patients or guests.
- 17 3. Telegraph service.
- 18 4. Except as provided in section 49-21-01.5, home, business, and coinless or
19 coin-operated public or semipublic telephone terminal equipment and the use of
20 such equipment.
- 21 5. The lease of telecommunications equipment by a telecommunications company
22 from a person whose business is the leasing or sale of such equipment.
- 23 6. Billing and collection services.
- 24 7. Inside wire and premise cable installation and maintenance.

8. Directory services which are not essential, such as "yellow pages" advertising and boldface or color listings in "white pages".

9. Private line transport service.

10. Services or facilities provided by a system or institution of higher education to:

a. Institution employees or students at institution facilities or housing owned or leased by the institution;

b. Affiliated organizations, including alumni operations and research foundations, formed for the purpose of supporting the institution or institution functions;

c. Other persons or entities located on property owned or leased by the institution and offering products and services intended primarily for the benefit of institution employees, students, or guests;

d. Casual users using the institution's facilities for conferences, seminars and other similar special events, and broadcasters of athletic events;

e. Occupants of technology parks, or business incubators receiving secretarial or business start-up support in facilities owned or leased by the institution during a business start-up phase for a term not to exceed four years or until August 1, 2005, whichever is later; and

f. Educational, governmental and nonprofit users of system or institution interactive video conferencing site facilities and associated network services.

Institutions may not unreasonably restrict access by a telecommunications

company to institution facilities for the purpose of furnishing telecommunications

services to residents in institution housing or to other persons or entities leasing

institution facilities, except institutions may limit access to residence halls.

Institutions may require reasonable payment for and adopt reasonable restrictions

on the use of institution telecommunications infrastructure to avoid service

interruptions or increased maintenance or administrative burdens.