

Introduced by

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

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

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

6 **49-21-01.1. Inapplicability of provisions of chapter.**

7 1. Telecommunications service does not include and the provisions of this title do not  
8 apply to:

9 ~~4-~~ a. The one-way transmission of radio or television signals for broadcast  
10 purposes, including the one-way transmission of video programming or other  
11 programming service by a cable system as well as subscriber interaction, if  
12 any, which is required for the selection of such video programming or other  
13 programming service.

14 ~~2-~~ b. A hospital, hotel, motel, or similar place of temporary accommodation owning  
15 or operating message switching or billing equipment solely for the purpose of  
16 reselling telecommunications services to its patients or guests.

17 ~~3-~~ c. Telegraph service.

18 ~~4-~~ d. 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  
20 of such equipment.

21 ~~5-~~ e. The lease of telecommunications equipment by a telecommunications  
22 company from a person whose business is the leasing or sale of such  
23 equipment.

24 ~~6-~~ f. Billing and collection services.

- 1           7. g. Inside wire and premise cable installation and maintenance.
- 2           8. h. Directory services which are not essential, such as "yellow pages" advertising
- 3                 and bold-faced or color listings in "white pages".
- 4           9. i. Private line transport service.
- 5        ~~10.~~ j. Services or facilities provided by a system or institution of higher education to:
- 6           a. (1) Institution employees or students at institution facilities or housing
- 7                 owned or leased by the institution;
- 8           b. (2) Affiliated organizations, including alumni operations and research
- 9                 foundations, formed for the purpose of supporting the institution or
- 10                 leased by the institution and offering products and services intended
- 11                 primarily for the benefit of institution employees, students, or guests;
- 12           c. (3) Other persons or entities located on property owned or leased by the
- 13                 institution and offering products and services intended primarily for the
- 14                 benefit of institution employees, students, or guests;
- 15           d. (4) Casual users using the institution's facilities for conferences, seminars
- 16                 and other similar special events, and broadcasters of athletic events;
- 17           e. (5) Occupants of technology parks, or business incubators receiving
- 18                 secretarial or business startup support in facilities owned or leased by
- 19                 the institution ~~during a business startup phase for a term not to exceed~~
- 20                 ~~four years or until August 1, 2005, whichever is later; and~~
- 21           f. (6) Educational, governmental, and ~~nonprofit~~ other users of system or
- 22                 institution interactive video conferencing site facilities and associated
- 23                 network services.
- 24        2. Institutions may not unreasonably restrict access by a telecommunications
- 25                 company to institution facilities for the purpose of furnishing telecommunications
- 26                 services to residents in institution housing or to other persons or entities leasing
- 27                 institution facilities, except institutions may limit access to residence halls.
- 28                 Institutions may not incur costs for the services provided to others when the
- 29                 services are provided over institution telecommunications infrastructure.
- 30                 Institutions may require reasonable payment for and adopt reasonable restrictions

- 1 on the use of institution telecommunications infrastructure to avoid service
- 2 interruptions or increased maintenance or administrative burdens.