

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2042

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to provide for use of school district and higher education videoconferencing
2 facilities and services; and to amend and reenact section 49-21-01.1 of the North Dakota
3 Century Code, relating to exceptions from the definition of telecommunications service.

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.**

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

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

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

18 ~~3-~~ c. Telegraph service.

19 ~~4-~~ d. Except as provided in section 49-21-01.5, home, business, and coinless or
20 coin-operated public or semipublic telephone terminal equipment and the use
21 of such equipment.

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

- 1 6- f. Billing and collection services.
- 2 7- g. Inside wire and premise cable installation and maintenance.
- 3 8- h. Directory services which are not essential, such as "yellow pages" advertising
- 4 and bold-faced or color listings in "white pages".
- 5 9- i. Private line transport service.
- 6 10- j. Services or facilities provided by a system or institution of higher education to:
- 7 a- (1) Institution employees or students at institution facilities or housing
- 8 owned or leased by the institution;
- 9 b- (2) Affiliated organizations, including alumni operations and research
- 10 foundations, formed for the purpose of supporting the institution or
- 11 leased by the institution and offering products and services intended
- 12 primarily for the benefit of institution employees, students, or guests;
- 13 c- (3) Other persons or entities located on property owned or leased by the
- 14 institution and offering products and services intended primarily for the
- 15 benefit of institution employees, students, or guests;
- 16 d- (4) Casual users using the institution's facilities for conferences, seminars
- 17 and other similar special events, and broadcasters of athletic events;
- 18 e- (5) Occupants of technology parks, or businesses in business incubators
- 19 receiving secretarial or business startup support in facilities owned or
- 20 leased by the institution during a business startup phase for a term not
- 21 to exceed four years ~~or until August 1, 2005, whichever is later~~; and
- 22 f- (6) Educational, governmental, and ~~nonprofit~~ other users of system or
- 23 institution interactive video conferencing site facilities and associated
- 24 network services.
- 25 2. Institutions may not unreasonably restrict access by a telecommunications
- 26 company to institution facilities for the purpose of furnishing telecommunications
- 27 services to residents in institution housing or to other persons or entities leasing
- 28 institution facilities, except institutions may limit access to residence halls.
- 29 Institutions may not incur costs for the services provided to others when the
- 30 services are provided over institution telecommunications infrastructure.
- 31 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.

3 **SECTION 2. Telecommunications - Use of videoconferencing facilities and**
4 **associated services.** Notwithstanding any other provision of law, a school district or an
5 institution of higher education may allow, for a fee, any person to use its videoconferencing site
6 facilities and associated network services if a private provider is unavailable and the access
7 does not inhibit future private provider service. Any educational or governmental user must be
8 given priority in the use of the facilities and associated network services.