

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2042

Introduced by

Legislative Council

(Information Technology Committee)

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 businesses in business incubators
- 18                           receiving secretarial or business startup support in facilities owned or
- 19                           leased by the institution during a business startup phase for a term not
- 20                           to exceed four years ~~or until August 1, 2005, whichever is later~~; and
- 21                   f. (6) Educational, and governmental, entities and nonprofit entities that are
- 22                           affiliated with an institution of higher education which are users of
- 23                           system or institution interactive video conferencing site facilities and
- 24                           associated 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 the entities identified in
- 30                   subdivision j of subsection 1 when the services are provided over institution
- 31                   telecommunications infrastructure. Institutions may require reasonable payment

- 1 for and adopt reasonable restrictions on the use of institution telecommunications
- 2 infrastructure to avoid service interruptions or increased maintenance or
- 3 administrative burdens.