

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 ~~1.~~ 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.

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- 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~~ of an institution of higher  
6                   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                   and
- 19          e. (5) Occupants of technology parks; or businesses in business incubators  
20                   receiving secretarial or business startup support in facilities owned or  
21                   leased by the institution during a business startup phase for a term not  
22                   to exceed four years ~~or until August 1, 2005, whichever is later; and~~
- 23          f. ~~Educational, governmental, and nonprofit users of system or institution~~  
24                   ~~interactive video conferencing site facilities and 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 for

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