

HOUSE BILL NO. 1253

Introduced by

Representatives Keiser, Hawken

Senators D. Mathern, Wardner

1 A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota
2 Century Code, relating to internet transport; and to amend and reenact subsection 13 of section
3 49-21-01 of the North Dakota Century Code, relating to internet transport as a
4 telecommunications service.

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

6 **SECTION 1. AMENDMENT.** Subsection 13 of section 49-21-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 13. "Nonessential telecommunications service" means any telecommunications
9 service, other than those essential telecommunications services listed in
10 subsection 3 ~~that, which~~ a customer has the option to purchase either in
11 conjunction with or separate from any essential telecommunications service.
12 Nonessential telecommunications services include, ~~but are not limited to:~~
13 a. InterLATA and intraLATA message toll service;
14 b. ~~Private line transport service~~ The transport portion of any publicly offered
15 service that includes the transport of information to and from the internet if it is
16 accomplished over a system of wires and cables including if the service is
17 offered over a cable system by a cable operator, but does not include any
18 information portion of the service;
19 c. Calling features and information or enhanced services such as call waiting,
20 call forwarding, three-way calling, intracall, speed calling, call transfer, voice
21 or data store and forward, message delivery, or caller identification;
22 d. Centrex services and features, not including transmission service described in
23 subdivision h of subsection 3;

- 1 e. Installation of service connections in addition or supplementary to that
- 2 described in subdivision g of subsection 3 which also provides transmission
- 3 service between the end user's premises and the local exchange central
- 4 office switch;
- 5 f. Mobile telecommunications services using radio spectrum or cellular
- 6 technology; and
- 7 g. Packet-switched services.

8 **SECTION 2.** A new section to chapter 49-21 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Internet transport.** A telecommunications company providing a publicly offered service
11 that includes transport of information to and from the internet has the duties of a local exchange
12 carrier under section 251 of the federal act regarding that transport.