

Fifty-seventh  
Legislative Assembly  
of North Dakota

## REENGROSSED HOUSE BILL NO. 1182

Introduced by

Education Committee

(At the request of the State Board of Higher Education)

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

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

- 9 1. The one-way transmission of radio or television signals for broadcast purposes,  
10 including the one-way transmission of video programming or other programming  
11 service by a cable system as well as subscriber interaction, if any, which is  
12 required for the selection of such video programming or other programming  
13 service.
- 14 2. A hospital, hotel, motel, or similar place of temporary accommodation owning or  
15 operating message switching or billing equipment solely for the purpose of  
16 reselling telecommunications services to its patients or guests.
- 17 3. Telegraph service.
- 18 4. 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 of  
20 such equipment.
- 21 5. The lease of telecommunications equipment by a telecommunications company  
22 from a person whose business is the leasing or sale of such equipment.
- 23 6. Billing and collection services.
- 24 7. Inside wire and premise cable installation and maintenance.

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