

TITLE 2: NATURAL RESOURCES
DIVISION 1: MARITIME AND COASTAL RESOURCES

§ 1225. Exclusive Rights Prohibited.

No Commonwealth government official shall execute or approve any license, lease, or permit, or enter into any agreement, granting or providing for exclusive rights for any period of time with respect to water or non-water-dependent uses of submerged lands for the construction, installation, operation, or maintenance of fiber optic telecommunications cable or related facilities for fiber optic telecommunications network systems. Any term or provision in any license, lease, permit, or agreement, or in any document or instrument, for such exclusivity shall be void and unenforceable, and shall be disregarded by any employee or official of the Commonwealth. Except as provided by this section and 2 CMC § 1222, or otherwise expressly provided by law, no moratorium, prohibition or restrictions on construction, installation, maintenance, or operations in-service may be granted to or imposed on any person with respect to fiber optic telecommunications cable or related facilities for fiber optic telecommunications network systems.

Source: PL 10-14, § 4, modified.

Commission Comments: In the third sentence of this section, following “Except as provided by” the Commission replaced “this Act” with “PL 10-14, the Fiber Optic Communications Facilitation and Competitive Telecommunications Act of 1996.” According to PL 10-14, § 5:

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes; Provided, that no person shall have standing based on any provision of the Submerged Land Act (2 CMC § 1201 et seq.) to enjoin any act or forbearance taken pursuant to and in conformance with this Act, and no provision of the Submerged Land Act (2 CMC § 1201 et seq.) shall provide a basis for a claim for damages asserted in connection with any action or forbearance taken pursuant to and in conformance with this Act. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.