

SECOND REGULAR SESSION, 1988

A LOCAL ACT
FOR THE FIRST SENATORIAL DISTRICT (ROTA)

To authorize the Municipality of Rota to enter into a joint venture with private sector or to create a public television corporation for the construction and operation of a television cable system within the First Senatorial District; requiring bidding of such joint venture; providing that the Rota Mayor shall administer such joint venture; and for other purposes.

BE IT ENACTED BY THE FIRST SENATORIAL DISTRICT OF ROTA
SERVING IN THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Source of Legal Authority. This Act is enacted
2 pursuant to authority found in Article II, Section 6 of the Commonwealth
3 Constitution; and Title 1, CMC, Division 1, Chapter 4, Section 1402.

4 Section 2. Short Title. This Act shall be known and may be cited
5 as the "Rota Television cable Systems Act of 1989."

6 Section 3. Purpose and Findings. The purpose of this Act shall be
7 to serve the public interest, convenience, and necessity in the
8 construction, maintenance, and operation of television cable systems on
9 the Island of Rota.

10 It shall be in the public purpose for the Municipality of Rota to
11 contribute its personnel, its physical facilities, its public-equipment,
12 and its financial resources toward the fostering of television
13 communication.

14 The Legislature finds that cable television provides a direct
15 public benefit of a general character to a significant portion of the
16 citizens of the First Senatorial District. The benefit to a private
17 party or private corporation which joins with the Municipality in

1 promoting cable television is incidental to the paramount purpose of
2 providing vital **communication** resources to the people of Rota. Cable
3 television enhances economic development, helps reduce unemployment,
4 provides weather, news, educational, public service, and emergency
5 broadcast information vital to the well-being and prosperity of the
6 local citizens.

7 Section 4. Joint Venture Authorized - Public Television
8 Corporation May Be Formed.

9 (a) Joint Venture. The Municipality of **Rota** through its
10 elected Mayor is authorized and empowered to take whatever action
11 necessary to enter into a joint venture agreement with other
12 government entities , with non-profit corporations, or with private
13 parties or corporations, for the construction, maintenance, and
14 operation of television cable systems on the Island of Rota. The
15 Municipality may contribute its personnel, its physical facilities,
16 its public **equipment**, and its financial resources toward
17 **implementing** such television joint venture. The Municipality may
18 own stock or hold an equity position in joint venture
19 corporations.

20 (b) Public Television Corporation. The Municipality of Rota,
21 through its Mayor, is likewise empowered, in its discretion, to
22 establish a public television corporation and lease operation of
23 such corporation to a private entrepreneur, providing the
24 Municipality retains control over basic policies relating to the
25 operation of the public television corporation. The agreement

1 creating a public television corporation shall limit the
2 liability of such corporation to the assets and properties of such
3 corporation in order to prevent recourse to the Municipalities
4 assets or credit. Further, such corporation shall have no power
5 of eminent domain nor any power to levy taxes or special
6 assessments.

7 Section 5. Statute to be Construed Consistent with **Commonwealth**
8 Constitution. Nothing in this Act shall be construed in any manner
9 contrary to the provision of Article X, Section 1 of the Constitution
10 of the **Commonwealth** of the Northern Mariana Islands, restricting use of
11 public resources for public purposes.

12 Section 6. Rules and Regulations - Power of Mayor. The Mayor of
13 Rota shall have the power to make such ordinances, by-laws, rules and
14 regulations, not inconsistent with the Constitution and laws of the
15 **Commonwealth**, and to do and perform any and other acts and things as
16 may be deemed expedient to **carryout** the purpose of this Act.

17 Section 7. Procurement Regulations and Statutes Apply -
18 **Competitive** Bidding Required for Joint Venture. **In**
19 entering into any joint venture agreement with a private entrepreneur
20 or private corporation for joint promotion, operation, construction, or
21 maintenance of a television cable system, the Mayor shall adopt and
22 strictly follow the CNMI procurement regulations or procurement
23 statutes, to ensure that competitive bids are received **from** interested
24 private parties.

1 Section 8. Cable System Joint Venture - Minimum Requirements.

2 Any joint venture agreement authorized by this Act must provide, at a
3 minimum, for the following terms:

4 (a) Subscriptions for cable television service must be open
5 to all members of the public, without discrimination of any sort;

6 (b) Provision shall be made for access to the system by low
7 income individuals and families at reduced rates;

8 (c) Public hospitals and schools shall be provided cable
9 services, free of charge;

10 (d) The joint venture partner shall provide at least one (1)
11 specially designated public, educational and governmental channel
12 available on a first come, nondiscriminatory, uncensored basis.
13 The franchise partner shall maintain and have available for
14 public, educational and government use at least the minimal
15 equipment and facilities necessary for the production of
16 programming for such channel;

17 (e) The joint venture partner shall subscribe to and support
18 the national Emergency Broadcast System;

19 (f) After deducting therefrom all expenses and costs,
20 inclusive of administrative cost of not more than ten percent
21 (10%) of expenses, resulting from carrying out its duties under a
22 joint venture agreement, the joint venture partner, on a quarterly
23 basis, shall divide its profits equally with the Municipality of
24 Rota;

24 (g) The joint venture partner shall provide at least eight
24 (8) television broadcast channels for immediate use of Rota
25 citizens;

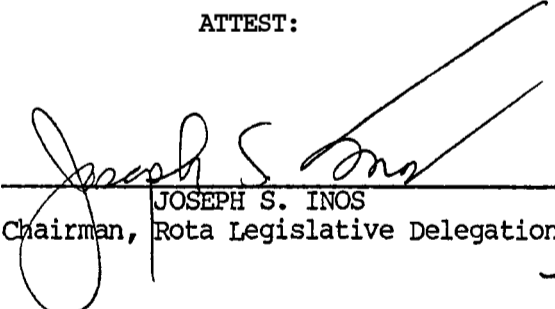
1 (h) The joint venture partner shall indemnify and hold the
2 Municipality of Rota harmless **from** any and all claims arising **from**
3 the joint venture partners participation in the joint venture
4 agreement. **Upon** receipt of notice in writing from the Municipal
5 Council, the joint venture partner will, at its own expense,
6 defend any action or proceeding against the Municipality of **Rota**
7 or the commonwealth **government** in which it is claimed that
8 personal injury or property damage was a caused by the activities
9 of the joint venture partner in the installation, operation, or
10 maintenance of the cable television system.

11 Section 9. Regulatory matters - **Applicability** of federal and
12 **Commonwealth** laws. The provisions of this Act in
13 their interpretation and application shall be consistent with all
14 applicable federal and **Commonwealth** laws and regulations, including but
15 not limited to 4 CMC 558111, et. **seq.**


16 Section 10. **Severability.** If any provision of this **Act** or the
17 application thereof is held invalid by a court of competent
18 jurisdiction, the invalidity of such shall not affect any other
19 provision or the application of any such provision of this Act.

20 Section 11. **Effective Date.** This Act shall take effect upon the
21 approval of the Governor or upon its becoming law without such approval.

ATTEST:



JOSEPH S. INOS
Chairman, Rota Legislative Delegation

March 27, 1989


PEDRO A. TENORIO
Acting Governor
Commonwealth of the Northern Mariana Islands