AN 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:

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

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

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

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

The Legislature finds that cable television provides a direct
public benefit of a general character to a significant portion of the
citizens of the First Senatorial District. The benefit to a private
party or private corporation which joins with the Municipality in
promoting cable television is incidental to the paramount purpose of providing vital communication resources to the people of Rota. Cable television enhances economic development, helps reduce unemployment, provides weather, news, educational, public service, and emergency broadcast information vital to the well-being and prosperity of the local citizens.

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

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

(b) Public Television Corporation. The Municipality of Rota, through its Mayor, is likewise empowered, in its discretion, to establish a public television corporation and lease operation of such corporation to a private entrepreneur, providing the Municipality retains control over basic policies relating to the operation of the public television corporation. The agreement
creating a public television corporation shall limit the
liability of such corporation to the assets and properties of such
corporation in order to prevent recourse to the Municipalities
assets or credit. Further, such corporation shall have no power
of eminent domain nor any power to levy taxes or special
assessments.

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

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

Section 7. Procurement Regulations and Statutes Apply -
Competitive Bidding Required for Joint Venture. In
entering into any joint venture agreement with a private entrepreneur
or private corporation for joint promotion, operation, construction, or
maintenance of a television cable system, the Mayor shall adopt and
strictly follow the CNMI procurement regulations or procurement
statutes, to ensure that competitive bids are received from interested
private parties.
Section 8. **Cable System Joint Venture - Minimum Requirements.**

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

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

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

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

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

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

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

(g) The joint venture partner shall provide at least eight (8) television broadcast channels for immediate use of Rota citizens;
(h) The joint venture partner shall indemnify and hold the Municipality of Rota harmless from any and all claims arising from the joint venture agreement. Upon receipt of notice in writing from the Municipal Council, the joint venture partner will, at its own expense, defend any action or proceeding against the Municipality of Rota or the commonwealth government in which it is claimed that personal injury or property damage was caused by the activities of the joint venture partner in the installation, operation, or maintenance of the cable television system.

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

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

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

ATTEST:

[Signature]

Chairman, Rota Legislative Delegation

March 27, 1989

FEDRO A. TISUECIO
Acting Governor
Commonwealth of the Northern Mariana Islands