



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
ELEVENTH SPECIAL SESSION, 2004

PUBLIC LAW NO. 14-53
H. B. No. 14-251, HD3, SD2, CD1

AN ACT

To add subsections (3) and (4) to 4 CMC § 8327(a) and to amend 4 CMC § 8327(b); and for other purposes.

**BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

Section 1. Findings. The Legislature finds that Public Law 12-39 reduced the Commonwealth Telecommunications Commission's ("CTC") funding to less than 20% of the funding level for its predecessor entity. This funding reduction has resulted in extreme difficulty for the CTC to carry out its obligation in an effective and efficient manner. This legislation amends the Commonwealth Telecommunications Act to restore CTC funding to approximately 60% of its previous level, to provide funding for telecom consumer advocacy, to establish a CNMI Universal Service fund, to provide CTC the authority to establish regulations related to the establishment of the CNMI Universal Service Fund, and to provide CTC with discretion for spending a portion of its budget on items to be addressed in CNMI Universal Service fund regulations which will result in a significant benefit for consumers at minimal cost.

Section 2. Amendment. 4 CMC § 8327(a) is hereby amended to add subsections (3) and (4):

“(3) underwrite telecom consumer advocacy by the Office of the CNMI Consumer Counsel;

(4) establish a CNMI Universal Service Fund. It shall be used solely to further goal of providing a basic set of essential telecommunications services and access to advanced service capabilities to all customers within the CNMI. The Commission is

authorized to adopt rules and regulations to necessary to implement and oversee the establishment and administration of such fund.”

Section 3. Amendment. 4 CMC § 8327(b)(3) is hereby amended as follows:

“(3) the gross annual revenues in the Commonwealth of all telecommunications companies subject to the Commission's jurisdiction; Provided that the charges to be imposed on any telecommunications company under 4 CMC § 8327(a) and (b) shall not exceed two and one-half percent (2.5%) of its annual gross revenues in Commonwealth in excess of twenty-five thousand dollars (\$25,000). Up to twenty percent (20%) of all charges collected from a telecommunications company pursuant to 4 CMC § 8327(a) and (b) shall be appropriated by the CNMI Legislature to the CNMI Office of Attorney General to be used solely for the purpose of advocating on behalf of CNMI telecom consumers regarding telecom services, subject to the expenditure authority of the Attorney General.”

Section 4. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

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. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

CERTIFIED BY:

/s/

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:

/s/

EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 17th day of JANUARY 2005

/s/

DIEGO T. BENAVENTE
ACTING GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS