The Honorable Joaquin G. Adriano  
Senate President  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Benigno R. Fitial  
Speaker, House of Representatives  
Fourteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law House Bill No. 14-329, HS1, entitled, “To amend 3 CMC § 4434(i)(1)(c); and for other purposes,” which was passed by the Fourteenth Northern Marianas Commonwealth Legislature.

House Bill No. 14-329, HS1 extends the sunset provision set forth in Public Law 12-64, which expires on September 30, 2005, for an additional five (5) years. This will allow the Northern Marianas College (NMC) to hire nonresident workers for another five (5) years. This extension is necessary to allow NMC to provide a quality and meaningful educational opportunity for our students for the purpose of improving the quality of life of the students and the entire Commonwealth.

I note, however, that this measure provides that the Scholarship Office must disclose information to NMC regarding the students that receive scholarships. Although I understand the need to provide sufficient information about students to NMC in order to monitor its compliance with this measure, I ask that the Scholarship Office implement this provision in a manner that is in conformity with the students’ right to privacy as guaranteed by Article 1, Section 10 of the N.M.I. Constitution. This section of the N.M.I. Constitution prohibits the government from “the disclosure of private facts relating to an individual.” See Analysis of the Constitution of the Northern Marianas Islands (December 6, 1976) at 25.
I also agree with the Legislature that NMC must continue to develop a comprehensive education and training plan, as mandated by Public Law 12-34, to replace all nonresident workers who are employed by the college within the next five (5) years.

This bill becomes Public Law No. 14-89. Copies bearing my signature are forwarded for your reference.

Sincerely,

[Signature]

JUAN N. BABAUTA

cc: Attorney General, Office of the Attorney General
President, Northern Marianas College
Secretary, Department of Labor
Director of Personnel, Office of Personnel Management
Executive Director, Civil Service Commission
September 28, 2005

The Honorable Juan N. Babauta
Governor
Commonwealth of the Northern Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Babauta:

I have the honor of transmitting herewith H. B. No. 14-329, HS1, entitled, "To amend 3 CMC § 4434(i)(1)(c); and for other purposes." The Bill was passed by the House of Representatives and the Senate of the Fourteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

Evelyn C. Fleming
House Clerk

Attachment
AN ACT

To amend 3 CMC § 4434(i)(1)(c); and for other purposes.

Introduced by Representative: Justo S. Quitugua

Date: May 24, 2005

Referred to: Committee on Education
Public Hearing: None
Standing Committee Report: 14-153

Passed First and Final Reading on August 18, 2005

Referred to: None
Public Hearing: None
Standing Committee Report: None

Passed Final Reading on September 21, 2005

Evelyn C. Heming, House Clerk
AN ACT

To amend 3 CMC § 4434(i)(1)(c); and for other purposes.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose. The Legislature finds that Amendment 38 to the CNMI Constitution provides that, "The mission of the Northern Marianas College shall be to provide the best quality and meaningful postsecondary and adult educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole." The Legislature further finds that since the enactment of Public Law 12-34 which extended the NMC’s exemption for hiring nonresident workers to September 30, 2005 that the NMC has failed to develop a comprehensive education and training plan as mandated by the public law. The current NMC administration has acknowledged that they were unaware of this requirement.

The Legislature also finds that the NMC must implement a system for notifying upcoming graduates of job openings at the college prior to a student’s graduation. Such long-term planning in cooperation with the Scholarship Office should produce a stream of professionals to replace nonresident workers. At this time, the NMC still needs to hire nonresident professionals to fill positions that are not filled by U.S. citizens or resident workers. Therefore, the intent of this Act is to extend the sunset provision to allow the NMC to hire nonresident workers for another five years.

Section 2. Amendment. 3 CMC § 4434(i)(1)(C) is amended to read as follows:

“(C) Northern Marianas College. For foreign language instructors, research scientists and other technical and professional employees at the Northern
Marianas College; provided, however, that such nonresident workers must be graduates of colleges or universities in the United States, or colleges or universities which are accredited by United States accrediting institutions, or alternatively, that such nonresident workers shall have earned degree(s) from colleges, universities, or institutions abroad that are recognized by the Board of Regents and shall meet all other professional requirements set by the Board of Regents. The NMC shall have up to September 30, 2010 to hire nonresident workers; no nonresident workers shall be employed in the covered positions after this date. No contract may be entered into pursuant to this subsection that provides for the termination of the contract after September 30, 2010."

Section 3. **Notification and Employment Recruiting Requirements.** The Northern Marianas College shall develop a system to notify upcoming graduates beginning in their third year of college of job openings at the NMC. Students who receive financial assistance from the Commonwealth and are required to work in the Commonwealth shall be given first priority hiring on any available job. The NMC shall work in cooperation with the Scholarship Office and any other governmental entity overseeing any scholarship program to identify graduating students and shall initiate communications with the students regarding employment opportunities at the NMC.

Section 4. **Northern Marianas College Graduate List.** Upon each graduation semester, the NMC shall compile and distribute a graduate list to government entities including but not limited to government entities granted the exemption to hire nonresident workers. The NMC shall also distribute this list to interested private businesses upon request.

Section 5. **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 6. **Savings Clause.** This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statues
repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall no 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.

Section 7. **Effective Date.** This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

[Signature]

**BENIGNO R. FITIAL**
**SPEAKER OF THE HOUSE**

**ATTESTED TO BY:**

[Signature]

**EVELYN C. FLEMING**
**HOUSE CLERK**

Approved on this 29th day of September, 2005

[Signature]

**JUAN N. BABAUTA**
**GOVERNOR**
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**