The Honorable Vicente M. Sablan
Speaker, House of Representatives
Fourth Northern Marianas
Commonwealth Legislature
Saipan, CM 96950

and

The Honorable Ponciano C. Rasa
President of the Senate
Fourth Northern Marianas
Commonwealth Legislature
Saipan, CM 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 34, H.D.2, S.D.1, entitled, "To establish the Northern Marianas College under a Board of Regents; to designate certain funds for continuing support of the College; to repeal 1 CMC Sections 2281 through 2286; to amend 4 CMC Section 1803; to amend 1 CMC Section 8131(a); and for other purposes," which was passed by the Fourth Northern Marianas Commonwealth Legislature.

In order to insure the accreditation of the Northern Marianas College, the college must be given the opportunity to operate as a professional institution free from the likelihood of political interference. It must be allowed to achieve its educational goals through policies set by its own Board of Regents.

This bill becomes Public Law No. 4-34. Copies bearing my signature are forwarded for your ready reference.

Sincerely,

[Signature]
PEDRO P. TENORIO
Governor

CC: Special Assistant for Programs and Legislative Review
FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIFTH REGULAR SESSION, 1985

AN ACT

To establish the Northern Marianas College under a Board of Regents; to designate certain funds for continuing support of the College; to repeal 1 CMC Sections 2281 through 2286; to amend 4 CMC Section 1803; to amend 1 CMC Section 8131(a); and for other purposes.

Offered by Representatives Pedro R. Guerrero, Benigno M. Sablan,
Gregorio C. Sablan, Juan T. Guerrero, Juan B. Tudela,
Pedro T. Nakatsukasa, Victor B. Hocog and Vicente M. Sablan

Date: February 8, 1984

House Action
Referred to: Committee on Health, Education and Welfare
Standing Committee Report No. 4-51
First Reading: December 3, 1984
Final Reading: December 3, 1984

Senate Action
Referred to: Committee on Resources, Economic Development, and Programs
Standing Committee Report No. 4-98
First Reading: January 23, 1985
Second and Final Reading: February 6, 1985

Daniel D. Quitugua
Chief Clerk
House of Representatives
AN ACT

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BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This act may be cited as the Postsecondary Education Act of 1984.

2 Section 2. Definitions. As used in this act:

3 (a) "Board" means the Board of Regents for the Northern Marianas College.

4 (b) "Chairman" means the chairman of the Board of Regents for the Northern Marianas College.

5 (c) "College" means the Northern Marianas College.

6 (d) "Postsecondary Education" means formally organized academic or vocational instruction whether for credit leading to an academic degree, a diploma, or a certificate of completion, or for training or personal enrichment. Such instruction also includes, but is not necessarily limited to, adult education, continuing education, and community education.

7 (e) "President" means the President of the Northern Marianas College.

8 (f) "Professional staff" means:

9 (1) the registrar;

10 (2) the academic and career counsellors;

11 (3) the librarian;
(4) the director of admissions and records;
(5) the department and program directors;
(6) the President's executive secretary;
(7) the director of planned operation and
maintenance; and
(8) the archivist.

Section 3. Findings. The Northern Marianas Legislature finds
that:

(a) Our people are faced with an accelerating rate of
change in and challenge to their traditional and customary
ways by the modern world.

(b) Positive adjustment to such change requires an
understanding and knowledge by our people of society and
its driving forces, and the ability to learn new skills.

(c) Such knowledge, understanding and training can
best be achieved through study and learning.

(d) For the intellectual growth, rational development
and general well-being of our people and our islands there
is a need for a center for postsecondary study and learning
within the CNMI.

Section 4. Northern Marianas College.

(a) There is in the Commonwealth Government a Northern
Marianas College to be headed by a President of the College
appointed by the Board of Regents.
(b) The Northern Marianas College is established as a nonprofit public corporation under the general control and direction of a board designated as the Board of Regents of the Northern Marianas College which is hereby created, and it shall enjoy all powers conferred by law upon a public corporation. The College shall adopt bylaws at the earliest opportunity that enumerate its purposes, duties, powers, and rules of organization and operation, which bylaws shall not be inconsistent with this act.

Section 5. Northern Marianas College: Mission, Purposes, and Functions.

(a) The mission of the College is to promote the growth of individuals as active, competent, and effective participants in the social, cultural, economic and political development of their community, the Commonwealth, and the world by providing to all the people of the Commonwealth access to the best possible quality of meaningful postsecondary educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole.

(b) The purposes and functions of the College are:

(1) To fulfill the mandate of paragraph (b) of Section 1 of Article XV of the Constitution of the Northern Mariana Islands.

(2) To meet the needs of the residents of the Commonwealth for postsecondary education.
(3) To grant degrees, certificates of accomplishment, and other such documents of course or program completion as the Board may authorize.

(4) To serve as the designated land-grant college for the Commonwealth with all of the privileges and duties of such an institution as provided in federal law.

(5) To support or conduct, as staff and funding may allow, such research as may be beneficial to the Commonwealth and its residents, including but not limited to maintaining Commonwealth archives, U.S. and Commonwealth government documents, and the South Pacific Commission depository.

(6) To provide such other kinds of services as the Board may generally direct or as may be mandated by law.

Section 6. Board of Regents. There is in the Commonwealth Government a Board of Regents for the Northern Marianas College composed of seven voting members appointed by the Governor with the advice and consent of the Senate. At least one member shall be a resident of Tinian, one member shall be a resident of Rota, at least one member shall be of Carolinian descent, at least one member shall be a woman, at least one member shall be from the private sector business community, and at least one member shall also sit on the Board of Education.
Section 7. Board of Regents: Terms and Qualifications.

(a) Members of the Board shall serve staggered terms of four years; Provided, that at the first meeting of the first Board, the members shall by choosing lots designate three members who shall serve for four years, two members who shall serve for three years, and two members who shall serve for two years.

(b) Members of the Board shall have the following qualifications:

(1) Residents of the Commonwealth and U.S. citizens either as provided for under Section 8 of the Schedule on Transitional Matters of the Northern Mariana Islands Constitution or otherwise;

(2) Highly respected standing in the community and at least four members shall possess a bachelor's degree level of education;

(3) A demonstrated capability of representing objectively the community's aspirations in issues of postsecondary education;

(c) A member may not be a classroom instructor, a current employee of the Northern Marianas College, or a previously convicted felon.

Section 8. Board of Regents: Vacancies.

(a) Any vacancy caused by resignation, removal, death, or otherwise shall be filled for the period of the unexpired
term in the same manner as that followed in the original appointment.

(b) After a gubernatorial election, no "courtesy resignation" shall be requested of any Board members by the incoming administration.

Section 9. Board of Regents: Removal of Board Members.

(a) A member of the Board is automatically removed if he has at least three consecutive unexcused absences.

(b) A member of the Board may be removed before expiration of his or her term for incompetence, neglect of duty, or malfeasance only by a vote of three-fourths of the Board members serving and not by action of the Governor.

(c) The Board shall adopt rules of procedure for these removal proceedings which shall include appropriate notice and pre-removal hearing requirements.

Section 10. Board of Regents: Meetings.

(a) The Board shall hold its first meeting within months of the enactment of this Act, and at least once every six months thereafter; Provided, that the Chairman may call a special meeting of the Board on his own initiative and shall call a special meeting of the Board upon petition of four members of the Board.

(b) The presence of four members at a duly called meeting shall constitute a quorum for the purpose of conducting official business of the Board.
(c) At its first meeting with a quorum present the Board shall by majority vote choose one of its members to serve as Chairman for a term to be determined by the Board.

(d) All meetings of the Board shall be open to the public, except when personal matters affecting the privacy of an individual or other confidential matters are considered. The Board may, on its own initiative, or at the request of the individual involved, consider such matters in closed session; Provided, any official action resulting therefrom shall be acted upon in an open meeting.

(e) Compensation of Board Members.

(1) Members of the Board may receive as compensation for meetings actually attended no more than $60 for a full day meeting and no more than $30 for a half or less day meeting. A member who is employed by the Commonwealth shall receive his regular salary under administrative leave status in lieu of compensation for meetings held during working hours.

(2) A member traveling on official business shall receive travel and per diem compensation at the rates and guidelines established for Executive Branch employees.
(3) A member may receive reimbursement for extraordinary expenses actually incurred in the performance of his duties upon the submission of receipts or other proof of extraordinary expenses to the Board and the specific approval of the Board to reimburse the member for his extraordinary expenses.

(f) In the absence of a quorum where the Board has the responsibility to act, or in the absence of policy approved by the Board, the President of the College shall have the authority and the responsibility to take appropriate action in the interests of the College, subject to later review by the Board.

Section 11. Board of Regents: Duties of the Board. The Board shall have the following duties:

(a) To hold in trust for the Commonwealth the property and assets of the College.

(b) To set the goals and general directions of the College, and to approve policies in pursuit of such goals and directions.

(c) To authorize the granting of degrees, certificates of accomplishment, and other documents of successful program completion as the Board may direct.

(d) To establish policy for and to administer all publicly-funded financial assistance for the postsecondary
1 education of Commonwealth students pursuant to rules
2 setting forth the criteria by which financial assistance
3 will be awarded.
4 (e) To establish, amend, and repeal its bylaws.
5 (f) To elect and to set the terms, within law of
6 its own officers.
7 (g) To acquire for use by the College any property
8 whether real, personal or mixed, whether tangible or
9 intangible, or any interest therein, and to sell, lease,
10 or otherwise dispose of the same for the good of the
11 College; Provided, that any real property granted to
12 the College without cost by any legal entity capable of
13 receiving and holding public land shall revert to the
14 Commonwealth government or the legal entity upon
15 determination by the Board that the College will make
16 no further use of the property.
17 (h) To accept on behalf of the College gifts,
18 grants, donations, bequests or other contributions and
19 to deposit the same in a College Trust Fund for the
20 exclusive use and expenditure of the College.
21 (i) To establish, and to oversee the activities of
22 a Northern Marianas College Foundation as a private,
23 nonprofit, tax exempt public corporation for the support
24 of the College, and for the purpose of caring for such
25 activities as those stated in subsections (g) and (h) of
26 this Section.
(j) To act as the State Board of Higher Education for the Commonwealth for purposes of federal law.

(k) To serve as the official coordination agency of the Commonwealth for all postsecondary education within the Commonwealth, with power to license, limit and otherwise regulate consistent with the purposes of this act any postsecondary educational activities offered by any public or private agency.

(l) In consultation with the Governor, to approve the budget of the College and to have the budget submitted to the Legislature pursuant to 1 CMC Section 7206.

(m) To set the salary for and to appoint and remove the President of the College for such term as the Board shall determine; Provided, that an initial appointment of any individual shall be for a period not to exceed two years, and no appointment shall be for a period to exceed four years. Nothing in this act shall preclude renewal of such appointment by the Board if it so wishes.

(n) To appoint and to terminate the officers, faculty, employees and staff of the College consistent with applicable rules and regulations of the Civil Service Commission and to specify their responsibilities and authority.

(o) To issue, in the name of the College, diplomas, certificates and other official documents indicating
successful completion of courses of study established within the College.

(p) With the advice of the President, to set and collect the tuition, fees, and other charges for college services and to deposit the same in the College Trust Fund.

(q) To hold at least one public hearing annually for the purpose of making the college's work known and investigating and assessing the needs and role of the College in the Commonwealth.

(r) Whenever in this act a power is vested in the Board, the Board by majority vote may adopt a rule delegating such power to any officer, employee or committee as the Board may designate. The rule shall prescribe the limits of such delegation.

Section 12. President of the College: Appointment. The Board shall appoint a President to serve as the Chief Executive Officer of the College and the Board.

Section 13. President of the College: Qualifications and Compensation. All candidates for the position of President of the Northern Marianas College shall possess:

(a) At least a graduate degree from an accredited university in the United States or its territories in any one or a combination of the following specialties in education:

(1) Educational Policy and Management;
(2) Educational Foundations;
(3) Educational Administration; or
(4) Curriculum and Instruction; and

(b) Five years experience collectively in teaching,
instructional leadership, and educational administration;

(c) A qualified voter of the Commonwealth;

(d) The President of the College shall receive an
annual salary of not less than $30,000 but not more than
$36,000, as determined by the Board.

Section 14. President of the College: Duties. The President of
the College shall have the following duties:

(a) To act as chief executive officer of the Board
and College, and as such to carry into effect the policies,
goals, and general directions established by the Board for
the College.

(b) Subject to prior review and approval by the
Board, to establish respective faculties and staff for the
various departments and other divisions of the College,
to approve their programs and courses of studies, and to
modify or disestablish the same as the President may deem
most appropriate to carry out the policies, goals, and
general directions established by the Board for the College.

(c) To expend funds appropriated to the College by
the federal or Commonwealth government or donated to the
College by any other entity.
(d) To enter into contracts, cooperative agreements, and such other transactions as may be helpful to conduct the business of the College.

(e) To submit to the Board an annual budget for the operation and maintenance of the College for its approval and forwarding to the Governor pursuant to 1 CMC Section 7206.

(f) To submit to the Governor and the Legislature within 90 days after the end of the fiscal year an annual financial report of the operations and activities of the College.

(g) To propose, as the President may deem appropriate, to the Board for its review and approval, policies in pursuit of the goals and general directions set by the Board.

(h) To strive for excellence as evidenced by the achievement and maintenance of accreditation standards as promulgated by the Western Association of Schools and Colleges.

(i) To exercise such other powers, duties and functions as the Board may direct, or as may be established by law.

Section 15. **Northern Marianas College: Employment Benefits.** Employees of the College, including the President, shall have the individual choice of being members of the Commonwealth Public Service
Retirement Fund, and nothing in this Act shall be interpreted as
precluding such membership. The College shall contribute to the
Retirement Fund the government share of the cost of the retirement
benefits, applicable to the College's employees and their beneficiaries.

Section 16. Northern Marianas College: Direct Appropriation.

Aside from such additional sums as may be appropriated annually by the
Legislature for its support, the College shall receive on an annual
basis no less than $500,000 for the continued operation of the College.
Pursuant to 1 CMC Section 7206(c), the budgetary requirements of the
College shall be transmitted to the Legislature for informational
purposes as part of the annual budget submission. For any funding
exceeding that which is provided in this section, the College must
submit a budget which will be reviewed and, upon approval, be
appropriated by the Legislature.

Section 17. Conforming Amendment to 4 CMC Section 1803. 4 CMC
Section 1803 is amended to add a new subsection (d):

"(d) The trust fund of the Northern Marianas
College shall receive $500,000 of the revenues
raised pursuant to this Act."

Section 18. Conforming Amendment to 1 CMC Section 8131(a). 1 CMC
Section 8131(a) is amended to add a new paragraph (12) to read as
follows:

"(12) Officers, faculty and professional
employees of the Northern Marianas College."
Section 19. Transition.

(a) The Board of Education shall serve as the Board of Regents until the Board of Regents certifies itself as organized to the Board of Education, Governor, and presiding officers of the Legislature.

(b) All guidelines, policies, procedures and practices approved and adopted for the Northern Marianas College by the Board of Education prior to the passage of this law, shall remain in effect until specifically rescinded or modified by the Board of Regents established under this act.

Section 20. Repealer. 1 CMC Sections 2281 through 2286 are repealed.

Section 21. Effective Date. This Act shall take effect upon its approval by the Governor, or upon its becoming law without such approval, Provided, Sections 16 and 17 shall not be effective until October 1, 1985.

ATTEST:

Vicente M. Sablan  
Speaker of the House

Daniel O. Quitugua  
House Chief Clerk

__________________________  1985

Pedro P. Tenorio  
Governor  
Commonwealth of the Northern Mariana Islands
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ATTEST:

Vibente M. Sablan
Speaker of the House

Daniel Q. Quitugua
House Chief Clerk

March 28, 1985

Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands