The Honorable Thomas P. Villagomez
Speaker, House of Representatives
Eighth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

and

The Honorable Juan S. Demapan
Senate President
Eighth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 8-89, C.S.1, H.D.1, the Postsecondary Education Amendment Act, which was passed by the Eighth Northern Marianas Commonwealth Legislature.

The bill meets the intent of Constitutional Amendments Nos. 20 and 38. It provides the Board of Regents, the faculty and the staff of the Northern Marianas College with greater autonomy in the exercise of their duties and responsibilities, to serve the postsecondary and adult educational needs of the people of the Commonwealth.

The Northern Marianas College has come a long way since its inception. Much have been accomplished, and much more to be achieved. The President and the Board of Regents need our assistance and cooperation to continue the improvement and development of the College. This legislation is one example of such cooperation and assistance.

Although Standing Committee Report No. 8-23 is quite clear on the intent of the Legislature to give authority to the Board to handle its personnel management without going through the Civil Service Commission, Section 17 appears to contradict that intent. Sec. 17 repeals 1 CMC, §8131(a)(12) which exempted the officers, faculty and professional employees of the Northern Marianas College from the Civil Service System.

Section 17 also repeals 1 CMC, §8131(b), which allowed the Personnel Officer to determine the applicability of the exemptions to the Civil Service Act, in respect to positions not expressly covered by the Act. In other words, this repealer removes that prior authorization given to the Personnel Officer to exempt from Civil Service System other positions within the government, not already exempted by the Act. It is necessary to reinstate 1 CMC, Section 8131 (a)(12) and (b).

This bill becomes Public Law No. 8-18. Copies bearing my signature are forwarded for your reference.

Sincerely,

LORENZO I. DE LEON GUERRERO
Governor

CC: President, Northern Marianas College
    Director of Finance
    Chairman, Board of Education
    Special Assistant for Programs and Legislative Review
AN ACT

To amend 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (n), (p), (r), et seq.; 1322; 1323(b) and 1332; to add a new Section 1306 to 3 CMC; to amend 1 CMC 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; to repeal 1 CMC Sections 8131(a)(12) and (b); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.

Prefiled on: January 5, 1993

Offered by Representative: Herman T. Guerrero (By Request)

Date: January 11, 1993

HOUSE ACTION

Referred to Committee on Health, Education and Welfare

Standing Committee Report No. 8-23

First Reading: November 10, 1992

Second and Final Reading: January 13, 1993

SENATE ACTION

Second and Final Reading: February 17, 1993

Evelyn C. Fleming
House Clerk
AN ACT

To amend 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (n), (p), (r), et seq.; 1322; 1323(b) and 1332; to add a new Section 1306 to 3 CMC; to amend 1 CMC 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; to repeal 1 CMC Section 8131(a)(12) and (b); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.

BE IT ENACTED BY THE EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1. Section 1. Short Title. This Act may be known as the "Postsecondary Education Amendment Act of 1992".

2. Section 2. Purpose. The purpose of this Act is to incorporate the provisions of Constitutional Amendments No. 20 and No. 38 in the Postsecondary Education Act of 1984, and for other purposes, by amending 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (m), (n), (p), (r), et seq.; 1322; 1323(b); and 1332; to add a new Section 1306 to 3 CMC; and 1 CMC Section 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; and to repeal 1 CMC Sections 8131(a)(12) and (b).

3. Section 3. Findings. The Legislature finds that Constitutional Amendments No. 20 and No. 38 provided greater autonomy to Northern Marianas College and strengthened its mission to serve the postsecondary educational needs of the people of the Northern Mariana Islands.
Section 4. **Repealer and Reenactment.** 3 CMC Section 1302(f) is hereby repealed and reenacted to read as follows:

(f) "Adult Education" means education for persons seventeen (17) years of age or older.

Section 5. **Amendment.** 3 CMC Sections 1305(a) and (b) are amended to read as follows:

"(a) The mission of the College shall be to provide the best quality and meaningful postsecondary and adult educational opportunity for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole. The College is responsible for providing higher education in the areas of community services education, adult and adult continuing education, postsecondary and adult vocational and technical education, and professional development for the people of the Commonwealth.

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

(1) To fulfill the mandate of paragraph (b) of Section 2 of Article XV of the Constitution of the Northern Mariana Islands, as amended by Constitutional Amendment No. 38.

(2) To provide for the residents of the Commonwealth higher education, community services programs, adult and adult continuing education, adult vocational and technical education, and professional
development, training programs for the improvement of public and private
employee skills, and Government employee career ladder programs.

(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 land-grant college in the Commonwealth in
accordance with federal laws and to promote, develop and administer
agricultural education programs, including but not limited to, agricultural
extension services and agricultural and aquacultural research.

(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, United
States, South Pacific Commission and Commonwealth government
documents which shall include at least three copies of all publications,
funded in whole or in part by the Commonwealth government, or by any
regional association or agency receiving local or federal funds to provide
services to the region, minutes of all meetings held by Commonwealth
boards, commissions or agencies, the official actions of the Commonwealth
Legislature, and any other official record of the Commonwealth deemed by
the archivist to have permanent historical, legal or political significance, and
acquiring any other materials relating to the Commonwealth or region that
has research or historical value."

Section 6. Amendment. 3 CMC is amended by adding a new section to read as
follows:

"Section 1306. Northern Marianas College: Establishment of Laboratory
School. The College is hereby authorized to establish a laboratory school within
the College for the purpose of teacher training. The College shall administer and
operate the laboratory school in conformity with the public schools policy adopted
by the Board of Education. A laboratory school as used in this Chapter means a
model school or classroom where new teaching methods, techniques and skills may
be implemented and where teachers and college students are trained under
monitored conditions."

Section 7. Amendment. 3 CMC Section 1311 is amended to read as follows:

"Section 1311. Board of Regents: Establishment. There is in the
Commonwealth 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. Of the total members, at least five members
shall be from the private sector."
Section 8. **Amendment.** 3 CMC Section 1312 (c) is amended to read as follows:

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

Section 9. **Amendment.** 3 CMC Section 1313(a) is amended to read as follows:

"(a) Any vacancy caused by resignation, removal, death or otherwise shall, within ninety days of the vacancy, be filled for the period of unexpired term pursuant to Section 3 CMC Section 1311."

Section 10. **Amendment.** 3 CMC Sections 1316(e), (h), (m), (n), (p), (r), et al. are amended to read as follows:

"(e) To adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law. Any action of the Board shall require a majority vote of the members present, a quorum being present.

(h) To accept on behalf of the College gifts, grants, donations, bequests or other contributions and to deposit the same in a College Trust Fund for the exclusive use and expenditure of the College. The Board shall cause to be kept suitable books of account wherein shall be recorded each gift, grant, donation, bequest or other contribution, the essential facts of the management thereof, and the expenditures of the income, and a statement of all trust funds shall be included in the annual report to the Governor and the Legislature."
(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 Chapter shall preclude renewal of such appointment by the Board if it so wishes. The Board shall define the duties and responsibilities of the President by adopted rules.

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

(p) To set, charge and collect the tuition (resident and nonresident), fees, and other charges for college services and to deposit the same in the College Trust Fund. The tuition fee for nonresident students shall be not less than two times the tuition fee for resident students. The Board may enter into agreements with government and university officials of any other state or foreign country to provide for reciprocal waiver of the nonresident tuition differential. The Board shall adopt the necessary rules defining residence for tuition and fees herein; provided that the basic rule shall be that a student shall qualify for the resident tuition fee only if the adult student, or in the case of a minor student, the student’s parents or guardians, has been a bona fide resident of this Commonwealth for at least twelve consecutive
months next preceding the student's first day of officially scheduled instruction for
any semester or term in which the student is enrolling at the College.

(r) By the authority and power vested in the Board by the Constitution and
this Chapter, the Board may delegate such power and authority to any officer,
employee or committee as the Board may designate by adopted rules. The rule
shall prescribe the limits of such delegation.

(s) To enter into and perform such contracts, leases, cooperative
agreements, or other transactions as may be necessary in the conduct of its
business and on such terms as it may deem appropriate, with any agency or
instrumentality of the United States, or with any state, commonwealth, territory,
or possession, or with any political subdivision thereof, or with any person, firm,
association, or corporation.

(t) To determine the character of and the necessity for its obligations and
expenditures, and the manner in which they shall be incurred, allowed, and paid,
subject to provisions of law applicable to the College.

(u) To execute, in accordance with its bylaws, all instruments necessary or
appropriate in the exercise of any of its powers.

(v) To expend funds appropriated by the Federal or Commonwealth
government or donated to the College by any other entity.
(w) To take such actions as may be necessary or appropriate to carry out
the powers conferred upon it by law and Constitution.

(x) To submit an annual budget for the operation and administration of the
College to the Governor pursuant to 1 CMC Section 7206.

(y) 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, administration
and activities of the College.

(z) Nothing in this Chapter shall be construed to impair or diminish the
power and authority of the Board as specified by the Constitution."

Section 11. Amendment. 3 CMC Section 1322 is amended to read as follows:
"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 and such other qualifications as the Board
shall determine.

(b) The President of the College shall receive an annual salary as
determined by the Board in accordance with 1 CMC Section 8246."

Section 12. Amendment. 3 CMC Section 1332 is amended to read as follows:
"Section 1332. Northern Marianas College: Appropriation.

(a) Aside from such additional sums as may be appropriated annually by the Legislature for its support, the College shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

(b) Funds collected under 3 CMC 1316(p), including indirect cost charged the federal government for implementing the federal program, shall be included in the budget submission of the College to the Governor pursuant to 1 CMC Section 7206. Funds available under 3 CMC Section 1316(p) shall be off-set against moneys appropriated by the Legislature.

(c) All moneys received by or in behalf of the Board or the College shall be deposited in the College Trust Fund, except that any moneys received from the federal government or from private contributions under 3 CMC 1316(h) shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received."

Section 13. Repealer and Reenactment. 3 CMC Section 1323 is hereby repealed and reenacted to read as follows:
"Section 1323. President of the College: Duties. The Board shall define the duties and responsibilities of the President by adopted rules. Until such time that the regulations are promulgated, the duties of the President shall continue under prior law."

Section 14. Repealer and Reenactment. 1 CMC Section 8124(i) is hereby repealed and reenacted to read as follows:

"(i) To eliminate duplication of duties and responsibilities, the Northern Marianas College and the Civil Service Commission, Office of Personnel, shall meet no less than once every calendar quarter to discuss and coordinate existing and future training programs. The Civil Service Commission will continue to identify training needs and systematic career ladder programs for the improvement of employee skills and the public service of the Commonwealth and may request the assistance of the Northern Marianas College in carrying out the intent of this Chapter. Notwithstanding any other provision of law, all training programs and needs shall be coordinated with the Civil Service Commission."

Section 15. Amendment. 1 CMC Section 2654(i) is amended to read as follows:

"(i) promote, develop and administer agricultural programs, including but not limited to, plant industry, animal industry and health."

Section 16. Repealer. 3 CMC Section 1331 is hereby repealed and the subsequent sections renumbered accordingly.
Section 17. **Repealer.** Pursuant to the purpose of this Act, 1 CMC Sections 8131(a)(12) and (b) are hereby repealed.

Section 18. **Severability.** If any section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 19. **Effective Date.** This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

\[Signature\]

THOMAS P. VILLAGÓMEZ
Speaker of the House

**ATTESTED BY:**

\[Signature\]

EVELYN C. FLEMING
House Clerk

\[Signature\]

LORENZO I. DE LEÓN GUERRERO
Governor
Commonwealth of the Northern Mariana Islands

APPROVED this 11th day of MARCH, 1993
The Honorable Thomas P. Villagomez  
Speaker, House of Representatives  
Eighth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

and

The Honorable Juan S. Demapan  
Senate President  
Eighth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 8-89, C.S.1, H.D.1, the Postsecondary Education Amendment Act, which was passed by the Eighth Northern Marianas Commonwealth Legislature.

The bill meets the intent of Constitutional Amendments Nos. 20 and 38. It provides the Board of Regents, the faculty and the staff of the Northern Marianas College with greater autonomy in the exercise of their duties and responsibilities, to serve the postsecondary and adult educational needs of the people of the Commonwealth.

The Northern Marianas College has come a long way since its inception. Much have been accomplished, and much more to be achieved. The President and the Board of Regents need our assistance and cooperation to continue the improvement and development of the College. This legislation is one example of such cooperation and assistance.

Although Standing Committee Report No. 8-23 is quite clear on the intent of the Legislature to give authority to the Board to handle its personnel management without going through the Civil Service Commission, Section 17 appears to contradict that intent. Sec. 17 repeals 1 CMC, §8131(a)(12) which exempted the officers, faculty and professional employees of the Northern Marianas College from the Civil Service System.

Section 17 also repeals 1 CMC, §8131(b), which allowed the Personnel Officer to determine the applicability of the exemptions to the Civil Service Act, in respect to positions not expressly covered by the Act. In other words, this repealer removes that prior authorization given to the Personnel Officer to exempt from Civil Service System other positions within the government, not already exempted by the Act. It is necessary to reinstate 1 CMC, Section 8131 (a)(12) and (b).

This bill becomes Public Law No. 8-18. Copies bearing my signature are forwarded for your reference.

Sincerely,

Lorenzo I. de Leon Guerrero  
Governor

CC:  President, Northern Marianas College  
      Director of Finance  
      Chairman, Board of Education  
      Special Assistant for Programs and Legislative Review
HOUSE OF REPRESENTATIVES
EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH REGULAR SESSION, 1993

PUBLIC LAW NO. 8-18
HOUSE BILL NO. 8-89, C.S.1, H.D.1

AN ACT

To amend 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (n), (p), (i), et seq.; 1322; 1323(b) and 1332; to add a new Section 1306 to 3 CMC; to amend 1 CMC 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; to repeal 1 CMC Sections 8131(a)(12) and (b); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.

Prefiled on: January 5, 1993
Offered by Representative: Herman T. Guerrero (By Request)
Date: January 11, 1993

HOUSE ACTION
Referred to Committee on Health, Education and Welfare
Standing Committee Report No. 8-23
First Reading: November 10, 1992
Second and Final Reading: January 13, 1993

SENATE ACTION
Second and Final Reading: February 17, 1993

Evelyn C. Fleming
House Clerk

Red 2/25/93
PUBLIC LAW NO. 8-18

EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H.B. NO. 8-89, C.S.1, H.D.1

SECOND REGULAR SESSION, 1992

AN ACT

To amend 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (m), (n), (p), (r), et seq.; 1322; 1323(b) and 1332; to add a new Section 1306 to 3 CMC; to amend 1 CMC 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; to repeal 1 CMC Section 8131(a)(12) and (b); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.

BE IT ENACTED BY THE EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be known as the "Postsecondary Education Amendment Act of 1992".

Section 2. Purpose. The purpose of this Act is to incorporate the provisions of Constitutional Amendments No. 20 and No. 38 in the Postsecondary Education Act of 1984, and for other purposes, by amending 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (m), (n), (p), (r), et seq.; 1322; 1323(b) and 1332; to add a new Section 1306 to 3 CMC; and 1 CMC Section 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; and to repeal 1 CMC Sections 8131(a)(12) and (b).

Section 3. Findings. The Legislature finds that Constitutional Amendments No. 20 and No. 38 provided greater autonomy to Northern Marianas College and strengthened its mission to serve the postsecondary educational needs of the people of the Northern Mariana Islands.
Section 4. **Repealer and Reenactment.** 3 CMC Section 1302(f) is hereby repealed and reenacted to read as follows:

(f) "Adult Education" means education for persons seventeen (17) years of age or older.

Section 5. **Amendment.** 3 CMC Sections 1305(a) and (b) are amended to read as follows:

"(a) The mission of the College shall be to provide the best quality and meaningful postsecondary and adult educational opportunity for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole. The College is responsible for providing higher education in the areas of community services education, adult and adult continuing education, postsecondary and adult vocational and technical education, and professional development for the people of the Commonwealth.

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

(1) To fulfill the mandate of paragraph (b) of Section 2 of Article XV of the Constitution of the Northern Mariana Islands, as amended by Constitutional Amendment No. 38.

(2) To provide for the residents of the Commonwealth higher education, community services programs, adult and adult continuing education, adult vocational and technical education, and professional
development, training programs for the improvement of public and private employee skills, and Government employee career ladder programs.

(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 land-grant college in the Commonwealth in accordance with federal laws and to promote, develop and administer agricultural education programs, including but not limited to, agricultural extension services and agricultural and aquacultural research.

(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, United States, South Pacific Commission and Commonwealth government documents which shall include at least three copies of all publications, funded in whole or in part by the Commonwealth government, or by any regional association or agency receiving local or federal funds to provide services to the region, minutes of all meetings held by Commonwealth boards, commissions or agencies, the official actions of the Commonwealth Legislature, and any other official record of the Commonwealth deemed by the archivist to have permanent historical, legal or political significance, and
acquiring any other materials relating to the Commonwealth or region that
has research or historical value."

Section 6. Amendment. 3 CMC is amended by adding a new section to read as
follows:

"Section 1306. Northern Marianas College: Establishment of Laboratory
School. The College is hereby authorized to establish a laboratory school within
the College for the purpose of teacher training. The College shall administer and
operate the laboratory school in conformity with the public schools policy adopted
by the Board of Education. A laboratory school as used in this Chapter means a
model school or classroom where new teaching methods, techniques and skills may
be implemented and where teachers and college students are trained under
monitored conditions."

Section 7. Amendment. 3 CMC Section 1311 is amended to read as follows:

"Section 1311. Board of Regents: Establishment. There is in the
Commonwealth 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. Of the total members, at least five members
shall be from the private sector."
Section 8. **Amendment.** 3 CMC Section 1312 (c) is amended to read as follows:

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

Section 9. **Amendment.** 3 CMC Section 1313(a) is amended to read as follows:

"(a) Any vacancy caused by resignation, removal, death or otherwise shall, within ninety days of the vacancy, be filled for the period of unexpired term pursuant to Section 3 CMC Section 1311."

Section 10. **Amendment.** 3 CMC Sections 1316(e), (h), (m), (n), (p), (r), et al. are amended to read as follows:

"(e) To adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law. Any action of the Board shall require a majority vote of the members present, a quorum being present.

(h) To accept on behalf of the College gifts, grants, donations, bequests or other contributions and to deposit the same in a College Trust Fund for the exclusive use and expenditure of the College. The Board shall cause to be kept suitable books of account wherein shall be recorded each gift, grant, donation, bequest or other contribution, the essential facts of the management thereof, and the expenditures of the income, and a statement of all trust funds shall be included in the annual report to the Governor and the Legislature."
(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 Chapter shall preclude renewal of such appointment by the Board if it so wishes. The Board shall define the duties and responsibilities of the President by adopted rules.

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

(p) To set, charge and collect the tuition (resident and nonresident), fees, and other charges for college services and to deposit the same in the College Trust Fund. The tuition fee for nonresident students shall be not less than two times the tuition fee for resident students. The Board may enter into agreements with government and university officials of any other state or foreign country to provide for reciprocal waiver of the nonresident tuition differential. The Board shall adopt the necessary rules defining residence for tuition and fees herein; provided that the basic rule shall be that a student shall qualify for the resident tuition fee only if the adult student, or in the case of a minor student, the student's parents or guardians, has been a bona fide resident of this Commonwealth for at least twelve consecutive
months next preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the College.

(r) By the authority and power vested in the Board by the Constitution and this Chapter, the Board may delegate such power and authority to any officer, employee or committee as the Board may designate by adopted rules. The rule shall prescribe the limits of such delegation.

(s) To enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any state, commonwealth, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation.

(t) To determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law applicable to the College.

(u) To execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers.

(v) To expend funds appropriated by the Federal or Commonwealth government or donated to the College by any other entity.
(w) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law and Constitution.

(x) To submit an annual budget for the operation and administration of the College to the Governor pursuant to 1 CMC Section 7206.

(y) 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, administration and activities of the College.

(z) Nothing in this Chapter shall be construed to impair or diminish the power and authority of the Board as specified by the Constitution."

Section 11. Amendment. 3 CMC Section 1322 is amended to read as follows:

"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 and such other qualifications as the Board shall determine.

(b) The President of the College shall receive an annual salary as determined by the Board in accordance with 1 CMC Section 8246."

Section 12. Amendment. 3 CMC Section 1332 is amended to read as follows:
"Section 1332. Northern Marianas College: Appropriation.

(a) Aside from such additional sums as may be appropriated annually by the Legislature for its support, the College shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

(b) Funds collected under 3 CMC 1316(p), including indirect cost charged the federal government for implementing the federal program, shall be included in the budget submission of the College to the Governor pursuant to 1 CMC Section 7206. Funds available under 3 CMC Section 1316(p) shall be off-set against moneys appropriated by the Legislature.

(c) All moneys received by or in behalf of the Board or the College shall be deposited in the College Trust Fund, except that any moneys received from the federal government or from private contributions under 3 CMC 1316(h) shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received."

Section 13. Repealer and Reenactment. 3 CMC Section 1323 is hereby repealed and reenacted to read as follows:
"Section 1323. **President of the College: Duties.** The Board shall define the duties and responsibilities of the President by adopted rules. Until such time that the regulations are promulgated, the duties of the President shall continue under prior law."

Section 14. **Repealer and Reenactment.** 1 CMC Section 8124(i) is hereby repealed and reenacted to read as follows:

"(i) To eliminate duplication of duties and responsibilities, the Northern Marianas College and the Civil Service Commission, Office of Personnel, shall meet no less than once every calendar quarter to discuss and coordinate existing and future training programs. The Civil Service Commission will continue to identify training needs and systematic career ladder programs for the improvement of employee skills and the public service of the Commonwealth and may request the assistance of the Northern Marianas College in carrying out the intent of this Chapter. Notwithstanding any other provision of law, all training programs and needs shall be coordinated with the Civil Service Commission."

Section 15. **Amendment.** 1 CMC Section 2654(i) is amended to read as follows:

"(i) promote, develop and administer agricultural programs, including but not limited to, plant industry, animal industry and health."

Section 16. **Repealer.** 3 CMC Section 1331 is hereby repealed and the subsequent sections renumbered accordingly.
Section 17. **Repealer.** Pursuant to the purpose of this Act, 1 CMC Sections 8131(a)(12) and (b) are hereby repealed.

Section 18. **Severability.** If any section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 19. **Effective Date.** This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

THOMAS P. VILLAGOMEZ  
Speaker of the House

**ATTESTED BY:**

EVELYN C. FLEMING  
House Clerk

APPROVED this 11th day of MARCH, 1993

**GORENZO I. DE LEON GUERRERO**  
Governor  
Commonwealth of the Northern Mariana Islands
The Honorable Lorenzo I. De Leon Guerrero
Governor
Commonwealth of the Northern Mariana Islands
Office of the Governor
Capitol Hill
Saipan, MP 96950

Dear Governor De Leon Guerrero:

I have the honor to transmit for your action House Bill No. 8-89, C.S.1, H.D.1, entitled, "To amend 3 CMC Sections 1302(f); 1305(a) and (b); 1311; 1312(c); 1313(a); 1316(e), (h), (n), (p), (r), et seq.; 1322; 1323(b) and 1332; to add a new Section 1306 to 3 CMC; to amend 1 CMC 8124(i); to amend 1 CMC 2654(i); to repeal 3 CMC Section 1331; to repeal 1 CMC Sections 8131(a)(12) and (b); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.", which was passed by the Eighth Northern Mariana Commonwealth Legislature.

Respectfully,

[Signature]

Eyelyn C. Fleming
House Clerk

Attachment
A BILL FOR AN ACT

To amend 3 CMC Sections 1302(f), 1305(a) and (b), 1311, 1312(c), 1313(a), 1323(b), and 1331; to repeal 1 CMC Sections 8131(a)(12)(a) and (b) and 8134(h), 3 CMC Section 1316(m); to incorporate Constitutional Amendments No. 20 and 38; and for other purposes.

BE IT ENACTED BY THE EIGHTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be known as the "Postsecondary Education Amendment Act of 1992".

Section 2. Purpose. The purpose of this Act is to incorporate the provisions of Constitutional Amendments No. 20 and 38 in the Postsecondary Education Act of 1984, and for other purposes, by amending 3 CMC Sections 1302(f), 1305(a) and (b), 1311, 1312(c), 1313(a), 1323(b), and 1331; to repeal 1 CMC Sections 8131(a)(12)(a) and (b) and 8134(h), 3 CMC Section 1316(m).

Section 3. Findings. The Legislature finds that Constitutional Amendments 20 and 38 provided greater autonomy to Northern Marianas College and strengthened its mission to serve the postsecondary educational needs of the people of the Northern Mariana Islands.

Section 4. Amendment. 3 CMC Division 1 Section 1302(f) is repealed and reenacted to read as follows:

"(f) "Adult Education" means education for persons seventeen (17) years of age or older.

Section 5. Amendment. 3 CMC Section 1305(a) and (b) is amended to read as follows:

(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
whole. The College is responsible for providing higher education and
adult continuing education, vocational and technical education, and
professional development for the people of the Commonwealth and
establishing and administering a laboratory school."

5. (1) The purposes and functions of the College are:
4. To fulfill the mandate of paragraph (b) of Section 4-2
3. of Article XV of the Constitution of the Northern Mariana Islands,
2. as amended by Constitutional Amendment No. 38.
1. (2) To meet the needs of the residents of the

Commonwealth for postsecondary education—higher education,
adult and continuing education, community services programs,
vocational and technical education, and professional
development. And to develop training programs for the
improvement of employee skills and the public service, and for
the development of a systematic career ladder for employees of
the Government.

(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 and to promote, develop and
administer agricultural programs, including but not limited to,
plant industry, agricultural extension services, animal industry
and health, and agricultural research.

(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. South Pacific Commission and
Commonwealth government documents which shall include at
least three copies of all publications, funded in whole or in part
by the Commonwealth government, or by any regional
association or agency receiving local or federal funds to provide
services to the region. minutes of all meetings held by
Commonwealth boards, commissions or agencies, the official
actions of the Commonwealth Legislature, and any other official
record of the Commonwealth deemed by the archivist to have
permanent historical, legal or political significance, and— the
South-Pacific-Commission-depository—and acquiring any other
materials relating to the Commonwealth or region that has
research or historical value."

Section 5. Amendment. 3 CMC Section 1311 is amended to read as follows:

"Section 1311. Board of Regents: Establishment. There is in the
Commonwealth 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, and at least one member shall also sit on the Board of Education.
Of the total members, at least one five members shall be from the
private sector and business community.

Section 6. Amendment. 3 CMC Section 1312 (c) is amended to read as
follows:

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

Section 7. Amendment. 3 CMC Section 1313(a) is amended to read as
follows:

"(a) Any vacancy caused by resignation, removal, death or
otherwise shall, within ninety days of the vacancy, be filled for the
period of unexpired term in the same manner as that followed in the—
original appointment—pursuant to Section 1311."

Section 8. Amendment. 3 CMC Section 1322 is amended to read as
follows:

"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 and such other qualifications as
the Board shall determine, 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 9. Amendment. 3 CMC Section 1323(b) is amended to read as
follows:

"(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 appoint and to terminate the officers, faculty,
staff and other employees of the College consistent with applicable rules
and regulations approved by the Board, and to specify their
responsible and authority to approve their programs and courses of
studies, and to modify or disestablish the same as the President may
decide most appropriate to carry out the policies, goals, and general
directions established by the Board for the College."

Section 10. Repealer. Pursuant to the purpose of this Act, 3 CMC
Section 1316 (n) is hereby repealed and the subsections renumbered
accordingly.

Section 11. Repealer. Pursuant to the purpose of this Act, 1 CMC,
Section 8124(i) is hereby repealed and the subsections renumbered
accordingly.

Section 12. Repealer. Pursuant to the purpose of this Act, 1 CMC
Section 8131(a)(12)(a) and (b) is hereby repealed.
Section 13. **Repealer.** 1 CMC, Section 2659(1) is repealed, and the
following subsection renumbered.

Section 14. **Severability.** If any Section of this Act should be declared
invalid by a court of competent jurisdiction, the remainder of this Act shall
not be affected thereby.

Section 15. **Effective Date.** This Act shall take effect upon its approval
by the Governor or upon its becoming law without such approval.

Date: 3/13/92

Reviewed for Legal Sufficiency: ________________________________

Introduced By: Herman J. Gossett

By Request