

NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 9-53

H. B. NO. 9-442

FOURTH SPECIAL SESSION, 1995

AN ACT

To amend 3 CMC Sections 1305(b)(2); 1306; 1316(d), (e), (n) and (v); 1331(a); and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act shall be known and cited as the "Higher Education Act of 1995."

Section 2. Findings. The Legislature finds that protecting the accreditation of the Northern Marianas College is of paramount importance to the transferability of credits earned by students at the College, to the eligibility of those students for Federal financial aid, and to the continued eligibility of the College to receive Federal grant funding. The Legislature further finds that maintaining the autonomy of the Board of Regents in its constitutional and legally mandated duties, and of the College's Board approved personnel policies is essential to the maintenance of the College's accreditation.

Section 3. Purpose. The purpose of this Act is to clarify the responsibilities of the Board of Regents for establishing and maintaining the autonomy of a personnel system for the College, to relieve the Board of responsibility for establishing policy over and administering financial aid for college students, to assign to the College responsibility for providing government employee training, and for other purposes, by amending 3 CMC Sections 1305(b)(2); 1306; 1316(d), (e), (n) and (v); 1332(a).

Section 4. Amendment. 3 CMC Section 1305(b)(2) is amended to read as follows:

"(2) To provide for the residents of the Commonwealth higher education, community service programs, adult and adult continuing education, adult vocational and technical education, professional training programs for the improvement of private employee skills and training programs for Government employees. To establish a vocational, occupational and technical, training center and professional development institute (hereinafter referred to as "institute") within the Northern Marianas College."

Section 5. Amendment. 3 CMC Section 1306 is amended to read as follows:

"Section 1306. Northern Marianas College: Establishment and Operation of Laboratory School. The College is hereby authorized to establish, administer and operate a

laboratory school within the College for the purpose of teacher training. 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 6. Amendment. 3 CMC Section 1316 (d), (e), (n) and (v) are amended to read as follows:

"(d) To review eligibility based on established policy or criteria and to establish awards for all publicly funded financial assistance for the postsecondary education of Commonwealth students within the Commonwealth.

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

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

"(v) To establish procurement policies for the College, and to expend funds appropriated by the Federal or Commonwealth government or donated to the College by any other entity."

Section 7. Amendment. 3 CMC Section 1331(a) is amended to read as follows:

"(a) Aside from such additional sums as may be appropriated annually by the Legislature for its financial support, the College shall be guaranteed an annual budget of not less than \$6,000,000.00 or one percent of the general revenues of the Commonwealth, whichever is greater. This annual financial support shall be used for the operations and service delivery of the College. 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."

Section 8. 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 9. 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 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 10. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente
DIEGO T. BENAVENTE
Speaker
House of Representatives

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
House Clerk

Approved this 28th day of September, 1995

/s/ Jesus C. Borja
~~FROILAN C. TENORIO~~ JESUS C. BORJA
Acting Governor
Commonwealth of the Northern Mariana Islands