

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

PUBLIC LAW NO. 10-5

H. B. NO. 10-67, H.D.1

FIRST REGULAR SESSION, 1996

AN ACT

To establish a public corporation of the CNMI which will serve as the CNMI Museum of History and Culture to promote the historical and cultural heritage of the Commonwealth of the Northern Mariana Islands and to serve as the official Commonwealth repository of historical and cultural materials; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act shall be cited as the Commonwealth Museum Act of 1996.

Section 2. Findings and Purpose. The Northern Marianas Commonwealth Legislature finds that:

(a) The cultural and historical heritage of the Commonwealth is the foundation on which the identity and pride of the people of the Commonwealth of the Northern Mariana Islands is based. The acquisition, preservation, study, interpretation and exhibition of local artifacts and related materials are vital to the promotion of increased knowledge, appreciation and understanding of the history and cultures of the Northern Mariana Islands;

(b) the rich traditional knowledge of our elders particularly in the areas of local history, medicine, fishing, navigation, arts and crafts, language and dance are rapidly disappearing. A concerted effort is needed to provide facilities and methods to promote activities that will record, preserve, document and transmit this knowledge for future generations.

(c) the rich collections of archaeological, historical and cultural artifacts of our heritage and related materials now held by government agencies and willing donors are presently at risk; subject to damage, deterioration and permanent loss. Adequate storage and preservation facilities are needed to assure the safety of these artifacts.

(d) extensive collections of irreplaceable artifacts related to our heritage exist in museums around the world. These could and should be selectively repatriated if adequate museum facilities and professional staff were available in the Commonwealth;

(e) there are very limited means by which the general public can view, study and

appreciate the artifacts of our heritage, and very few places where our cultures and history are presented with information explaining their meaning, purpose and importance;

(f) the lack of interpretive information relating to the cultural artifacts, materials, and historic sites of the CNMI provide little opportunity to appreciate and understand their significance to our heritage; or to promote the respect that is due these artifacts and materials; and the historic sites that define our cultures.

(g) It is therefore the purpose of this legislation, in accordance with the mandate of Section 3 of Article XIV of the Constitution, to establish a cultural and historical museum to serve the people of the Commonwealth; to promote local cultural pride; to insure the preservation of our heritage; to promote better understanding and foster local study of our heritage; to increase appreciation and respect for cultural artifacts and historical sites; to provide the general public, scholars and visitors a focus for cultural studies; and to provide a proud sense of identity to present and future generations of Commonwealth residents.

Section 3. CNMI Museum Established. There is hereby created the CNMI Museum of History and Culture, a public corporation, to be headed by an executive director, under the direction of a policy making Museum Board of Governors. The Museum is established to carry out the broad mandate of Article XIV, Section 3 of the Commonwealth Constitution and the purposes of this Act. The Museum shall function as the official repository and custodian of the historical and cultural artifacts of the CNMI, and related materials. The museum is mandated to acquire, preserve and make available such artifacts, with authoritative interpretation, to the general public, to scholars and to visitors. Subject to the availability of appropriate governmental or other facilities, as determined by the Board, artifacts shall be preserved and made available to the public in the senatorial district where the artifacts were found or recovered. The Board shall make every effort to ensure the availability of appropriate facilities in every senatorial district. The Museum shall foster research on the artifacts in its inventory and shall disseminate the results of this and other research through museum exhibitions, demonstrations, lectures and other public programs and publications.

Section 4. CNMI Museum: Duties. The Museum shall have the following duties:

(a) to provide a facility where valuable collections of archaeological, historical, cultural artifacts and related documentation of the people of the CNMI can be safely deposited, curated, displayed and studied for the benefit, education and enjoyment of the residents and visitors of the CNMI;

(b) to provide a forum through which adults, schoolchildren, scholars and other visitors can learn about the history and traditions of the people of the CNMI, including the areas of local history, medicine, arts and crafts, language, dance and other aspects of culture;

(c) to establish a program whereby artifacts from the CNMI currently being held in museums around the world are returned either on a permanent or temporary basis, for display to the people of the CNMI;

(d) to provide educational programs to the people of the CNMI to promote better understanding, appreciation and local study of the history and cultures of the CNMI;

(e) to promote local cultural pride and increase the appreciation of and respect for historic artifacts, materials and sites of the CNMI; and

(f) to maintain a close and continuing relationship with the Division of Historic Preservation, Department of Community and Cultural Affairs, to assure the proper disposition of historical and cultural artifacts and coordinated documentation of such artifacts and related materials.

Section 5. CNMI Museum: Powers. To carry out its duties, the Museum, through its Board, shall have all of the powers conferred by law on a public corporation and all powers reasonably necessary and incidental to the fulfillment of its purposes, including, but not limited to, the powers to:

(a) to prescribe, adopt, amend and repeal bylaws;

(b) to adopt rules and regulations as necessary for the exercise of the Museum's powers, performance of its duties, and administration of its operations;

(c) to receive, hold and expend appropriations, grants, donations or any other funds designated for the use and benefit of the Museum;

(d) to sue and be sued in its corporate name;

(e) to acquire and hold any interest allowed by law in any real or personal property, tangible or intangible, in connection with the activities of the Museum:

(f) to borrow money from any private or public source, either within the Commonwealth or the United States or any other country, and to give security in connection with such borrowing;

(g) to accept any gift, grant, or bequest of any money or property of any kind, for all or any purposes of this Act;

(h) upon prior approval by joint resolution of the Legislature and in conformity with the Commonwealth Development Authority Act as to each issue of bonds, to make and issue tax exempt bonds and other tax exempt obligations for sale to the general public;

(i) to procure insurance against loss or liability in connection with its operations hereunder, in such amounts and from such insurers as it deems advisable;

(j) pursuant to public notice and bidding whenever possible, to make contracts and execute all instruments necessary or convenient to exercise the powers of the Museum;

(k) to hire such employees as are necessary for the operation of the Museum and to engage the services of independent experts, advisors and other contractors as are necessary to the fulfillment of the duties of the Museum;

(l) to impose and collect reasonable fees for the use of the Museum's facilities and to view its collections;

(m) to prepare and submit a budget as a government corporation pursuant to 1 CMC § 7206; and

(n) to take such action as it deems necessary and proper to operate the Museum, further its purposes, administer its services and perform its duties.

Section 6. Museum Board of Governors: Establishment and Composition:

(a) Board of Governors. The Museum shall be governed by a Museum Board of Governors. All powers vested in the Museum shall be exercised by the Museum Board of Governors, appointed by the Governor, composed of nine (9) members which shall include at least one member from each senatorial district. The Board shall be comprised of members of the community whose experience is relevant to the operation of a museum, and shall be composed as follows:

(1) one with formal academic training in anthropology or archeology;

(2) one from the Northern Marianas College with a demonstrated knowledge of Northern Marianas history;

(3) one from the Public School System,

(4) one from the Historic Preservation Office,

(5) one from the Commonwealth Council for the Humanities,

(6) one from the Marianas Visitor's Bureau,

(7) one from the Commonwealth Council for Arts and Culture,

(8) one from the general public and

(9) one from the business community.

The provisions of 1 CMC §2901(g), and any other similar provision of law, now or hereinafter enacted, shall not apply to the Board.

(b) Term of Office. The members of the Board shall serve a term of four years with

the initial term of the first members to be staggered by drawing lots, so that two members shall serve a two year term, three members shall serve a three year term, and four members shall serve a four year term. Each member replacing a Board member after his or her original term shall serve a four year term. Members may be reappointed to serve successive terms.

(c) By-laws: The Board shall have the authority and responsibility to prescribe, adopt and amend by-laws governing the policies and procedures of the Board and the CNMI Museum.

(d) Compensation. No Board member shall receive any compensation for their services, but shall be reimbursed for their actual expenses, including travel, subsistence, and out-of-pocket expenses, incurred in the discharge of the member's responsibilities as specified in the by-laws. The provisions of 1 CMC section 8247 shall not be applicable to the Museum Board of Governors.

(e) Chair and Vice-Chair: Members of the Board, shall elect a Chairman and Vice Chairman immediately upon their first meeting following the Governor's appointment of all nine members. The Chairman and Vice-Chairman shall serve for a term of one year. Annually, the Board shall elect its Chairman and Vice-Chairman. The Chairman shall preside over the meetings of the Board.

(f) Resignation and Removal. An appointed member may at any time resign from office by notice in writing to the Governor. Upon resignation, removal or expiration of the term of the appointment, the member shall cease to sit on the Board, and shall not be included in a quorum count. Removal of a Board member before the expiration of his or her term shall occur only by the Governor and on such grounds as prescribed by Article II, section 21 of the Commonwealth Constitution. In the event that a Board member is removed from the Board or ceases to sit on the Board for any other reason, the Governor shall appoint a replacement. Such a replacement member of the Board shall serve the remainder of the term of the member he or she replaces. In the event the Chairman or Vice-Chairman are replaced, the Board shall select a new Chairman and Vice-Chairman from among its members.

Section 7. Powers and Duties of the Board. The Board shall have the following powers and duties:

- (a) to govern the operation of the Museum in a manner that furthers its purpose;
- (b) to take action necessary to exercise the powers of the Museum conferred by this Act;
- (c) to adhere to operating policies as set forth in the By-laws that will assure the Museum's financial vitality and which best promote its purpose;
- (d) to generate revenue, establish trust funds and receive donations to operate the Museum;

(e) to review and adopt the long range plans and budgets of the Museum as recommended by the Executive Director;

(f) to finalize and approve an annual budget as required for submission to the Legislature;

(g) to finalize and approve an annual report to be submitted to the Legislature and Governor;

(h) to acquire objects and collections which support the mission of the Museum.

(i) to announce, hire and evaluate the performance of the Executive Director, who shall serve at the pleasure of the Board;

(j) to delineate the duties and responsibilities of the Executive Director;

(k) to review and adopt policies pertaining to the management, staffing and financing of the Museum; and

(l) to appoint from time to time, committees consisting of any three or more directors or officers of the Museum, and to delegate to any of its committees any of its powers as provided by this Act.

Section 8. Officers and Staff of the Museum.

(a) Executive Director. The Board shall appoint an Executive Director to administer the operations of the Museum on behalf of the Board. The Board may establish the qualifications of the Executive Director. The Executive Director's salary shall be set by the Board and shall not be limited by the salary ceiling imposed by 1 CMC 8248. The Executive Director shall be the Chief Executive Officer of the Museum and shall direct, manage and administer the Museum's general operations.

(b) Museum's Comptroller. The Comptroller shall keep the official books and accounts of the Museum, prepare an annual report of the financial condition of the Museum for the Board, and perform such other functions as the Executive Director or the Board may require.

(c) Other Corporate Officers. The Executive Director may hire assistant directors to be in charge of one or more operating divisions of the Museum.

(d) Staff. The Museum may employ such additional persons as the Board deems necessary.

Section 9. Executive Director, Duties. The Executive Director shall have the following duties:

(a) Under the direction of the Board, to carry out the intent of this Act and the policies of the Board;

(b) to carry out federal laws and regulations applicable to the operation of a museum in the CNMI, the By-laws as approved by the Museum Board of Governors., and other laws and regulations pertaining to the activities of the Museum in the CNMI;

(c) to ensure that all rules and regulations of the Museum are enforced;

(d) to supervise and assist with on-going development of facilities for proper storage, preservation, and conservation of archaeological, historical and cultural artifacts and materials, and their associated records;

(e) to develop programs for the community and provide services for the purpose of promoting and educating the general public and visitors to the CNMI on culturally and historically significant materials, events and related matters;

(f) to attend all meetings of the Board, and report to the Board at each Board meeting as to the activities of the Museum;

(g) to prepare an annual report of the Museum's operations and activities for each fiscal year within three months of the end of the fiscal year, including appropriate financial statements, and submit a draft of the report to the Board for approval;

(h) to prepare the annual administrative budget for review and approval by the Board and for submission to the governor and the Legislature pursuant to 1 CMC §7206;

(i) to hire such employees as requested by the Board, subject to the approval of the Board, and to plan, organize, coordinate and control the services of such employees in the exercise of the powers of the Museum under the general direction of the Board; and

(j) to perform such other duties as the Board may require.

Section 10. Transfer of Public Lands. The Division of Public Lands shall, in accordance with Article XI, Section 5 (b) of the Commonwealth Constitution, transfer to the Commonwealth Museum a freehold interest in that certain piece of public land on which the Commonwealth Museum is situated, commonly known as "The Old Japanese Hospital," Lot 009 D 93, containing 8,857 square meters more or less as more particularly shown on Drawing/Cadastral Plat No. 009 D 07, the original of which was recorded on January 12, 1994 at the Office of the Commonwealth Recorder as Document No. 94-120 .

Section 11. Revolving Fund.

(a) There is hereby created the Commonwealth Museum Revolving Fund which shall be accounted for separately from the general fund.

(b) Notwithstanding any other provision of law, all moneys received from legislative appropriations for the activities and operations of the Museum; all fees generated by the Museum; all gifts, loans or other funds designated for any and all operations and activities of the Museum shall be deposited into the Commonwealth Museum Revolving Fund.

(c) All activities and operations of the Museum which are not funded through a specific grant, shall be funded through the Commonwealth Museum Revolving Fund.

(d) Expenditure authority for the Commonwealth Museum Revolving Fund shall rest with the Executive Director.

Section 12. Audits. The Public Auditor shall audit the operations, books, and records of the Museum in accordance with 1 CMC §7710(a) and Public Law 3-91. The final report of the audit shall be made public and shall be transmitted to the Board, the Executive Director, the Governor, and the presiding officers of the Legislature.

Section 13. Conflicts of Interest. The conduct of members of the Board of Governors, officers and employees of the Museum shall be governed by the applicable provisions of Public Law 8-11, as amended.

Section 14. Civil and Criminal Penalties. A member of the Board, officer, counsel, employee, or agent of the Museum, or any other person who embezzles, abstracts, or willfully misapplies any money, funds, credits, securities, or other property of the Museum, or who willfully makes any false entry in any book, report, or statement of the Museum, or who does any other act with intent to injure or defraud the Museum, or who accepts any unlawful consideration which relates to his or her duties under this Act, or any individual who, with like intent, conspires with, aids or abets any person in any violation of this section, shall be dismissed from employment, permanently barred from re employment with the Museum, civilly liable for any losses that their actions created for the Museum, fined not more than \$2, 000, or imprisoned for not more than five years, or both. These penalties shall be applicable in addition to any other civil and/or criminal penalties established by law.

Section 15. 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 16. 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 17. 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 13th day of March, 1996

/s/ Froilan C. Tenorio
FROILAN C. TENORIO
Governor
Commonwealth of the Northern Mariana Islands