

Nineteenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2016

H. B. 19-127

A BILL FOR AN ACT

To establish the Northern Marianas Cultural Center, a governmental Corporation, which shall be under the management and control of the Resident Representative for Indigenous Affairs, who is, and shall be responsible for the planning, development, establishment, operation, management and control of the Northern Marianas Cultural Center pursuant to this Act.

**BE IT ENACTED BY THE NINETEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purposes.** The Nineteenth Northern Marianas
2 Commonwealth Legislature finds that the influx of people of different ethnicity
3 has changed the demographics of the Commonwealth. Having established
4 residency in the Commonwealth and having intermingled with the indigenous
5 Chamorro and Carolinian of the Northern Marianas, the cultures and traditions of
6 the indigenous Chamorro and Carolinian have started to change and could
7 disappear. Therefore, it is the intent and purpose of this Act to create programs
8 and projects that will protect, preserve, promote and enhance the indigenous
9 Chamorro and Carolinian cultures, heritage and traditions, and at the same time,
10 create jobs and contribute to the growth of the Commonwealth's economy. To
11 achieve this, the Legislature agrees that the "Northern Marianas Cultural Center

1 be established, which shall be under the management and control of the Resident
2 Representative for Indigenous Affairs, assisted by an Advisory Committee
3 appointed by the Governor. Pursuant to Article III, Section 23(b) of the Northern
4 Mariana Islands Constitution, the Resident Executive for Indigenous Affairs shall
5 plan for the establishment of Indigenous Cultural Center; etc... This Act will
6 facilitate and expedite the planning, development, establishment and operation of
7 the Northern Marianas Cultural Center.

8 The Legislature further finds that the Northern Marianas Cultural Center
9 (NMCC) will be responsive and creative in the preservation, promotion and
10 enhancement of the indigenous Chamorro and Carolinian cultures, heritage and
11 traditions by encouraging the practice of such cultures, heritage and traditions
12 amongst the indigenous populace. The Cultural Center will showcase and
13 promote the Chamorro and Carolinian cultures, heritage and traditions through the
14 collection of historic pictures, reading materials, and replica of homes and
15 lifestyles of the Chamorros and Carolinians; providing entertainment by
16 performing cultural songs and dances; and the exhibits of traditional paintings,
17 arts and crafts, foods and other related activities.

18 The Legislature further finds that the Northern Marianas Cultural Center
19 (NMCC) can successfully meet and implement its program objectives in
20 accordance with this Act by obligating and appropriating continuously to the
21 NMCC the interests accrued on the proceeds of the Marianas Public Land Trust

1 Funds which MPLT transfers annually to the general revenues of the
2 Commonwealth for appropriation by the Legislature.

3 The Legislature further finds that the Marianas Public Land Trust Funds
4 transfers to the general revenues of the Commonwealth, pursuant to Article XI,
5 Sections 5(g) and 6(d) of the Northern Mariana Islands Constitution, are from
6 interest income from revenues derived from all leases of public lands (Article
7 VIII, Section 802 and 803 (a), (b) of the Covenant) and invested prudently by
8 Marianas Public Land Trust. The Legislature further finds that it is an appropriate
9 public purpose for the Legislature to appropriate continuously the Marianas Public
10 Land Trust earnings to the Northern Marianas Cultural Center to support the
11 planning, development, establishment, operation, management and control of the
12 Northern Marianas Cultural Center and other related programs and projects.

13 **SECTION 2. Enactment.** The following is hereby enacted subject to
14 codification by the Commonwealth Law Revision Commission:

15 “**§101. Establishment.** The Northern Marianas Cultural Center (in this
16 Act, the “Corporation”) is hereby established as a Commonwealth Public
17 Corporation under the management and control of the Resident Representative for
18 Indigenous Affairs.

19 **§102. Purpose.** Recognizing the importance of culture and tradition of the
20 people of the Northern Mariana Islands, the purpose of the Corporation is the
21 planning, development, establishment, operation, management and control of a
22 Northern Marianas Cultural Center, which will undertake programs and projects

1 that are directly related to the protection, preservation, promotion and
2 enhancement of the indigenous Chamorro and Carolinian cultures, heritage and
3 traditions, and others as authorized under this Act.

4 **§103. Advisory committee**

5 (a) The Corporation shall have an Advisory Committee to consist of the
6 Resident Executive for Indigenous Affairs, the Executive Assistant for
7 Carolinian Affairs, and five members appointed by the Governor. The
8 Executive Assistant for Carolinian Affairs shall serve as chairperson of
9 the Advisory Commission. The Committee shall advise and assist the
10 Resident Executive for Indigenous Affairs in the planning,
11 development, establishment, operation, management and control of the
12 Northern Marianas Cultural Center.

13 (b) The Governor shall appoint one Committee member from the First
14 Senatorial District of Rota, one from the Second Senatorial District of
15 Tinian, and three from the Third Senatorial District of Saipan and the
16 islands North of Saipan, who meets the qualifications specified under
17 this Section. At least one of the Committee members shall be a
18 woman

19 (c) In addition to the requirements of 1 CMC §2901, the person appointed
20 as a member of the Committee shall have resided in the
21 Commonwealth for at least five years immediately preceding the date

1 on which the person appointed takes office, shall have at least a
2 college degree and/or two years of government or business
3 management experience, speak and understands Chamorro or
4 Carolinian culture, tradition and heritage.

5 (d) The appointed members of the Committee shall serve for a term of six
6 years, except that the initial term of office shall be staggered, three
7 members of the Committee shall serve for six years and two directors
8 shall serve for four years, as determined by drawing of lots.

9 (e) The members of the Committee shall exercise and practice due
10 diligence and be held to strict standards of fiduciary care in the
11 performance of their duties and responsibilities.

12 **§104. Vacancy.** A vacancy in the Advisory Committee created by
13 sickness, death, resignation, termination of a member, or upon the expiration of
14 the term of a member of the Advisory Committee shall be filled in accordance
15 with section 103.

16 **§105. Duties.** The Committee shall advise and assist the Resident
17 Executive for Indigenous Affairs in the implementation and enforcement of §102
18 of this Act, and any other actions that may be required and necessary for the
19 efficient management and operation of the Corporation.

20 **§106. Power of the Resident Executive for Indigenous Affairs.**

- 1 (a) The Resident Executive for Indigenous Affairs may, on behalf of the
2 Corporation shall:
- 3 (1) have all the powers available to a public corporation under
4 Commonwealth law;
- 5 (2) adopt and amend its bylaws;
- 6 (3) adopt and alter its corporate seal;
- 7 (4) acquire, own, lease, encumber, and transfer property to carry out the
8 purposes of the Corporation;
- 9 (5) accept and administer a trust in furtherance of the Corporation's
10 purposes;
- 11 (6) make contracts, borrow money, issue instruments of indebtedness, and
12 secure its obligations by granting security interests in its property;
- 13 (7) do any other acts necessary and proper to carry out the activities and
14 purpose of the Corporation;
- 15 (8) hire an Executive Director and staff to assist in the development of
16 programs and policies of the Corporation, and perform such duties and
17 responsibilities as may be assigned by the Resident Executive for
18 Indigenous Affairs;
- 19 (9) have the authority to sue and be sued in its own name (Corporation) in
20 any court of the United States, or other court of competent jurisdiction;

1 (10) promulgate rules and regulations necessary to accomplish the purpose
2 of the Corporation.

3 (b) In the absence or disability of the Resident Executive for Indigenous Affairs,
4 the Executive Assistant for Carolinian Affairs shall assume the responsibilities
5 and duties of the Resident Executive for Indigenous Affairs under this Act.

6 **§107. Compensation.**

7 (a) The compensation for members of the Committee shall be pursuant to
8 1 CMC §8247.

9 (b) The Executive Director shall be compensated pursuant to 1 CMC
10 §8246.

11 (c) The employees of the Corporation shall be exempted from the Civil
12 Service, and shall be compensated at a rate established by the
13 Committee and approved by the Resident Executive for Indigenous
14 Affairs.

15 (d) Travel and per diem shall be in accordance with the established CNMI
16 Government rates.

17 **§108. Allocation of Marianas Public Land Trust Funds.** The
18 Legislature shall allocate, obligate and appropriate continuously the Marianas
19 Public Land Trust Funds, which is the “interest accrued on the trust proceeds” that
20 MPLT transfers to the general revenues of the Commonwealth annually, pursuant
21 to Article XI, Section 6(d) of the Northern Mariana Islands Constitution, to the

1 Corporation to support the planning, development, establishment and operations
2 of the Northern Marianas Cultural Center, including programs and projects that
3 provide economic benefits to persons of Northern Marianas descent. Such fund
4 shall not lapse and shall remain available without fiscal year limitation.

5 **§109. Revenues/Funds Received.** All revenues or funds received by the
6 Corporation shall be placed in a special account, pursuant to §112, and
7 appropriate continuously to the Corporation for such expenditures delineated in
8 §108. Such funds shall not lapse and shall remain available without fiscal year
9 limitation. Resident Executive for Indigenous Affairs shall be the expenditure
10 authority.

11 **§110. Advance on MPLT Funds:** MPLT, through the withholding of
12 future transfer of MPLT Funds to the CNMI general fund, may approve the
13 issuance of not more than Five Million Dollars of MPLT Funds as “advance” to
14 the Corporation, subject to the approval of the Legislature, and in accordance with
15 the agreed terms and conditions of the such advance of MPLT Funds to the
16 Corporation.

17 **§111. NMDF Bank Account:** Upon this Act becomes Law, the
18 Corporation shall establish the “NMDF Account” in an FDIC bank in the
19 Commonwealth and shall notify the Secretary of Finance that such account is
20 established.

21 (a) The Secretary of Finance shall remit and deposit the funds MPLT
22 transferred to the general funds of the Commonwealth to the NMDF

1 Account each year and years thereafter, as such funds is appropriated
2 continuously pursuant to this Act.

3 (b) The Resident Representative for Indigenous Affairs shall manage and
4 disburse such funds “only” pursuant to this Act, and in accordance
5 with the rules, regulations and policies as recommended by the
6 Committee and approved by the Resident Representative for
7 Indigenous Affairs.

8 (c) On a semiannual basis, accounting of all expenditures of such funds
9 and revenues received by the Corporation shall be reported to the
10 Chairman of the Ways and Means Committee of the House, the
11 Chairman of the Fiscal Committee of the Senate, and the public
12 auditor.

13 **§112. Investment of Revenues of the Corporation.** Five years after the
14 establishment and operations of the Northern Marianas Cultural Center, including
15 its other programs and projects that are generating and/or receiving funds, at the
16 end of each fiscal year, the Corporation shall invest prudently all such funds or
17 revenues received from such operations. The interest or income earned from such
18 investment, less reasonable expenses of administration of the Corporation, shall
19 be used to directly benefit persons of Northern Marianas descent by assisting and
20 providing: 1). health insurance coverage; 2). medical referral; 3). financial
21 assistance for higher education or trade and vocational education and training; 4).

1 utility subsidy for the indigent; and others as recommended by the Committee and
2 approved by the Resident Representative for Indigenous Affairs and the Executive
3 Assistant for Carolinian Affairs. The Resident Representative for Indigenous
4 Affairs may hire the service of a professional firm or person to assist in the
5 planning and implementation of these benefits.

6 **§114. Annual Report:** The Corporation shall prepare an Annual Report
7 on its overall operations and activities, which shall include an audited financial
8 statement, and submit such report to the Governor and the Legislature. The
9 Annual Report shall be made available for public review.

10 **§115. Assignment of Public Lands:**

11 (a) Upon the request of the Corporation, the Department of Public Lands
12 shall designate, assign, issue or transfer lands to the Corporation that
13 are suitable for the development of the Northern Marianas Cultural
14 Center and for other program and project consistent with the purpose
15 of the Corporation and necessary for its operations.

16 (b) The Corporation may use such lands or properties as collateral or
17 mortgage for loans to provide financial support needed to develop and
18 advance its programs and projects objectives that are allowed and
19 authorized herein.”

20 **Section 3. Severability.** If any provisions of this Act or the application
21 of any such provision to any person or circumstance should be held invalid by a
22 court of competent jurisdiction, the remainder of this Act or the application of its

1 provisions to persons or circumstances other than those to which it is held invalid
2 shall not be affected thereby.

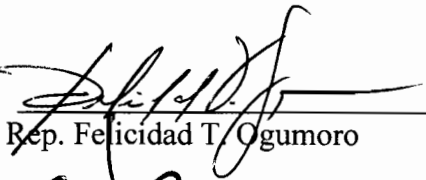
3 **Section 4. Savings Clause.** This Act and any repealer contained herein
4 shall not be construed as affecting any existing right acquired under contract or
5 acquired under statutes repealed or under any rule, regulation, or order adopted
6 under the statutes. Repealers contained in this Act shall not affect any proceeding
7 instituted under or pursuant to prior law. The enactment of the Act shall not have
8 the effect of terminating, or in any way modifying, any liability, civil or criminal,
9 which shall already be in existence on the date this Act becomes effective.

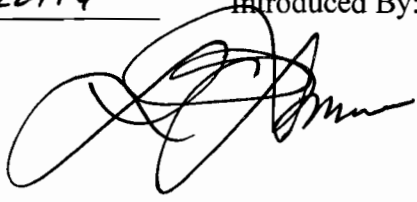
10 **Section 5. Effective Date.** This Act shall take effect upon its approval by
11 the Governor, or its becoming law without such approval..


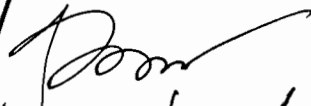





Prefiled: 1/22/14

Date: 1/22/14

Introduced By:


Rep. Felicidad T. Ogunoro








R. Ralph W. Jones



Reviewed for Legal Sufficiency by:


House Legal Counsel