



Arnold I. Palacios  
Governor

David M. Apatang  
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

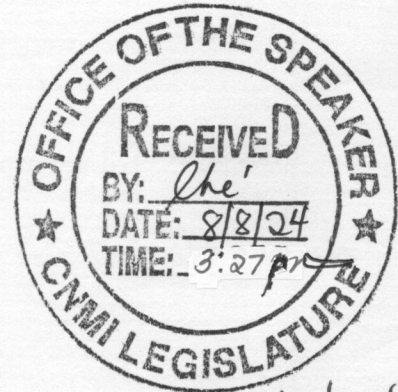
08 AUG 2024

GOV. COMM: 23-118  
(HOUSE)

GOV2024-559

The Honorable Edith E. Deleon Guerrero  
President of the Senate  
Twenty-Third Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Edmund S. Villagomez  
Speaker, House of Representatives  
Twenty-Third Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950



8/8/24

Dear Madame President and Mr. Speaker:

This is to inform you that I have signed into law **Senate Bill No. 23-13** entitled, "To strengthen the mandate of the Commonwealth of the Northern Mariana Islands Archives at the Northern Marianas College," which was passed by the Senate and the House of Representatives of the Twenty-Third Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 23-24**. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS  
Governor

HOUSE CLERK'S OFFICE  
RECEIVED BY *JMV*  
DATE *8/9/2024* TIME *10:01a*

cc: Lieutenant Governor; Attorney General; Commonwealth Law Revision; Public Auditor;  
Special Assistant for Administration; Northern Marianas College;  
Programs and Legislative Review Office



**THE SENATE**  
**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

**SENATE BILL NO. 23-13**

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**AN ACT**

To strengthen the mandate of the Commonwealth of the Northern Mariana Islands Archives at the Northern Marianas College.

***SENATE ACTION***

**Offered by Senator(s):** Donald M. Manglona

**Date:** January 17, 2023

**Referred to:** Committee on Health, Education and Welfare

**Standing Committee Report No.:** None

**Final Reading:** June 23, 2023

***HOUSE ACTION***

**Referred to:** Committee on Judiciary and Governmental Operations

**Standing Committee Report No.:** 23-81 adopted 6/25/24

**First and Final Reading:** June 25, 2024

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A handwritten signature in black ink, appearing to read "Celina R. Babauta".

**Senator Celina R. Babauta**  
**SENATE LEGISLATIVE SECRETARY**



**THE SENATE**  
**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
**FIRST REGULAR SESSION, 2023** **S.B. NO. 23-13**

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**AN ACT**

To strengthen the mandate of the Commonwealth of the Northern Mariana Islands Archives at the Northern Marianas College.

**BE IT ENACTED BY THE TWENTY-THIRD NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1       **Section 1. Findings and Purpose.** The Legislature finds that state and territorial  
2 archives are statutorily mandated to work with government agencies to carry out records  
3 management programs that support effective program management and public services  
4 delivery, promote economical and efficient management of information resources, and ensure  
5 that records of archival value are identified, protected, and, when appropriate, transferred to  
6 the respective state and territorial archives for preservation.

7       Commonwealth law currently mandates Northern Marianas College (NMC) to maintain  
8 the "Commonwealth archives, United States, South Pacific Commission and Commonwealth  
9 government documents which shall include at least three copies of all publications funded in  
10 whole or in part by the Commonwealth government, or by any regional association or agency  
11 receiving local or federal funds to provide services to the region, minutes of all meetings held  
12 by Commonwealth boards, commissions or agencies, the official actions of the Commonwealth  
13 Legislature, and any other official record of the Commonwealth deemed by the archivist to  
14 have permanent historical, legal or political significance, and acquiring any other materials  
15 relating to the Commonwealth or region that has research or historical value." 3 CMC  
16 1305(b)(5).

17       Additionally, the Open Government Act mandates that the approved minutes of all

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1 regular and special and executive meetings of such boards, commissions, agencies, or  
2 authorities “shall be transmitted to the archives of the Northern Marianas College.” 1 CMC §  
3 9914.

4 Article II, Section 14(b) of the NMI Constitution provides in part that “[t]he legislature  
5 shall keep a journal of its proceedings that shall be published from day to day.” Furthermore,  
6 both official rules of the legislative houses provide for the recording and transcription of the  
7 sessions. The rules also provide for the transmission of a copy of a transcribed journal within  
8 30 days of its adoption.

9 However, the Legislature finds that the Commonwealth government branches,  
10 departments, agencies, and offices have not fully observed NMC’s critically important  
11 mandate of maintaining and preserving Commonwealth government documents and records  
12 for posterity. Creating a framework of policies and procedures for the maintenance,  
13 disposition, and preservation of Commonwealth government documents and records is needed  
14 to properly preserve such documents.

15 The Legislature further finds that fully functioning archives create opportunities for  
16 academic research, which can be used as justification for public policies that ultimately  
17 improve the quality of life of our Commonwealth residents, and serves as a repository for  
18 critically important documents, publications, and materials pertaining to the Commonwealth  
19 government for the benefit of posterity.

20 Therefore, the purpose of this Act is to enhance the duties and responsibilities of the  
21 Commonwealth of the Northern Mariana Islands Archives at the Northern Marianas College.

22 **Section 2. Amendment.** Title 3, Division 1, Chapter 3 of the Commonwealth Code is  
23 hereby amended by adding a new Article 8 to read as follows:

24 “Article 8. CNMI Archives

25 Section 101. Definitions. For the purposes of this Act:

26 (a) “Agency” means any department, agency, and instrumentality of the  
27 Commonwealth government, including regulatory, temporary agencies, divisions,  
28 boards, bureaus, offices, councils, commissions, authority, public corporation, or a  
29 separate government office established by law.

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1 (b) "Archives facility" means a facility administered by the CNMI  
2 Archivist for the preservation and controlled use of archival records transferred from  
3 agencies, or a facility that is approved by the CNMI Archivist as having an equivalent  
4 capacity to ensure the physical security and control of archival records.

5 (c) "CNMI Archives" means the organizational unit within the Northern  
6 Marianas College which has the responsibility to administer the Commonwealth  
7 government archives program.

8 (d) "CNMI Archivist" is the designated administrator of the CNMI  
9 Archives and reports to the Director of Library Programs and Services of Northern  
10 Marianas College.

11 (e) "Disposition" means the authorized action to dispose of the records of  
12 an agency, transfer to another agency or branch of government, or transfer to an  
13 archives facility.

14 (f) "Record series" means a group of related records that result from the  
15 same activity and can be evaluated together for disposition and other management  
16 purposes. Usually, the records in a record series are arranged under a single filing  
17 system or are otherwise kept together as a unit.

18 (g) "Records" means all books, papers, maps, photographs, or other  
19 documentary materials, regardless of physical form or characteristics, made or  
20 received by any agency of the CNMI in pursuance of law or in connection with the  
21 transaction of public business and preserved or appropriate for preservation by that  
22 agency or its legitimate successor as evidence of the organization, functions, policies,  
23 decisions, procedures, operations, or other activities, or because of the information  
24 contained therein.

25 (1) "Active records" means records that are frequently referenced  
26 or otherwise frequently used for conducting current business.

27 (2) "Archival records" means records that are designated by the  
28 CNMI Archivist for continuous preservation because they have enduring  
29 administrative, legal, fiscal, educational, historical, or other research value to

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1 the CNMI government or its citizens; the such term is not used as a synonym  
2 for computer-generated records that are stored off-line.

3 (3) "Electronic records" means those records which are stored in a  
4 form that can be read or processed only by means of a computer.

5 (4) "Inactive records" means records that are infrequently  
6 referenced or otherwise infrequently used for conducting current business.

7 (5) "Vital records" means selected records which, in the event of a  
8 disaster, are essential to the resumption or continuation of government  
9 operations, to the re-creation of the legal and financial status of the CNMI  
10 government, or to the protection of and fulfillment of obligations to the citizens  
11 of the Commonwealth; the such term is not used as a synonym for official  
12 birth, death, and marriage records.

13 (h) "Records management" means the planning, organizing, directing,  
14 controlling, and other activities needed for effective records creation, records  
15 maintenance, use, and records disposition.

16 (i) "Records retention" and "disposition schedule" means a document that  
17 prescribes the legally required minimum retention periods for records and the final  
18 disposition of records and may also describe where and in what form records must be  
19 kept.

20 (j) "Retention period" means a period of time, expressed in terms of an event  
21 that must occur or the time which must elapse, before records may be disposed of.

22 Section 102. CNMI Archivist.

23 The CNMI Archivist shall establish and administer a record management program,  
24 which will apply efficient and economical management methods to the creation, utilization,  
25 maintenance, retention, preservation, and disposal of records.

26 Section 103. Duties of the CNMI Archivist.

27 The CNMI Archivist shall, with due regard for the functions of the agencies  
28 concerned:

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1 (a) Establish standards, procedures, and techniques for effective management  
2 of records;

3 (b) Make continuing surveys of paperwork operations and recommend  
4 improvements in current records management practices including the use of space,  
5 equipment, and supplies employed in crating, maintaining, sorting, and servicing  
6 records;

7 (c) Establish standards for the preparation of schedules for the retention of  
8 government records of continuing value and for the prompt and orderly disposal of  
9 government records no longer possessing sufficient administrative, legal, or fiscal  
10 value to warrant their further keeping;

11 (d) Establish standards for the reproduction of records by photography or  
12 microphotographic processes with a view to the disposal of the original records;

13 and

14 (e) Obtain reports from agencies as required for the administration of the  
15 program.

16 Section 104. Duties of Agency Heads.

17 The head of each agency shall:

18 (a) Establish and maintain an active, continuing program for the economical  
19 and efficient management of the records of the agency;

20 (b) Make and maintain records containing adequate and proper documentation  
21 of the organization, functions, policies, decisions, procedures, and essential  
22 transactions of the agency designed to furnish information to protect the legal and  
23 financial rights of the government and of persons affected by the agency's activities;

24 (c) Submit to the CNMI Archivist, in accordance with the standards established  
25 by the Archivist, schedules proposing the length of time each government record  
26 warrants retention for administrative, legal, or fiscal purposes after it has been  
27 received by the agency. The head of each agency also shall submit lists of  
28 government records in his custody that are not needed in the transaction of current  
29 business and that do not have sufficient administrative, legal or fiscal value to warrant

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1 their further keeping for disposal in conformity with the requirements of Section 107  
2 of this article.

3 (d) Cooperate with the CNMI Archivist in the conduct of surveys made by him  
4 pursuant to the provision of this article.

5 Section 105. Legislative and Judicial Branches.

6 Except as provided by the NMI Constitution or statutes, upon request, the CNMI  
7 Archivist shall advise in the establishment of records management programs in the Legislative  
8 and Judicial Branches of government.

9 Section 106. Records are not to be Damaged or Destroyed.

10 All records made or received by or under the authority of or coming into the custody,  
11 control, or possession of public officials of this government in the course of their public duties  
12 are property of the government and shall not be destroyed, transferred, removed, or otherwise  
13 damaged or disposed of, in whole or in part, except as provided by law.

14 Section 107. Disposal of Records.

15 Records may be destroyed or disposed of in accordance with the provisions of this  
16 Article if it is determined by the CNMI Archivist and the agency head concerned that such  
17 records have no further legal, administrative, fiscal, research, or historical value.

18 Section 108. Reproduction of Records on Films; Disposition of Original.

19 (a) The head of any agency having the care and custody of any record may cause the  
20 same to be photographed, microphotographed, or otherwise reproduced on film or in  
21 computerized form. When such head so establishes computerized storage of records and  
22 papers not originally kept in computerized form, the agency head shall keep parallel  
23 microfilm or photographic storage of the same records until such time as established national  
24 standards, property followed, will give the same degree of permanency to the electronic  
25 storage as is required for the microfilmed records of a similar category. The documents  
26 retrieved from electronic storage of non-electronic originals shall be deemed to be as  
27 admissible as records reproduced from any other means of storage provided in this section.  
28 The records shall be readily accessible to the public for examination and copying at  
29 reasonable rates.



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1 (b) When such records are photographed, microphotographed, or otherwise reproduced  
2 on film if it is determined by the CNMI Archivist, the agency head concerned that the original  
3 record has no further legal, administrative, fiscal, research, or historical value the same may  
4 be destroyed or disposed of in accordance with the provision of this Article and thereafter the  
5 photograph,

6 microphotograph, or reproduction on film shall be deemed to be an original record for  
7 all purposes, including introduction in evidence in all courts or administrative agencies. A  
8 transcript, exemplification, facsimile, or certified copy thereof shall, for all purposes recited  
9 herein, be deemed to be a transcript, exemplification, facsimile, or certified copy of the  
10 original record.

11 (c) Where certain records are required to be kept a specific length of time or  
12 permanently, or to be destroyed by specific methods or under specific supervision, and where  
13 such records are photographed, microphotographed, or reproduced no film said film may be  
14 submitted for the original records and the original records may be destroyed in the manner and  
15 under the conditions prescribed in subsection (b) of this section.

16 Section 109. Destruction of Non-record Materials.

17 Non-record materials, if not otherwise prohibited by law, may be destroyed at any time  
18 by the agency in possession of such materials without the prior approval of the CNMI  
19 Archivist. The CNMI Archivist may formulate procedures and interpretations to guide in the  
20 disposition of such materials.

21 Section 110. Rules and Regulations.

22 The CNMI Archivist shall make such rules and regulations as are necessary or proper  
23 to effectuate the purposes of this Article.”

24 **Section 3. Severability.** If any provision of this Act or the application of  
25 any such provision to any person or circumstance should be held invalid by a court of  
26 competent jurisdiction, the remainder of this Act or the application of its provisions to persons  
27 or circumstances other than those to which it is held invalid shall not be affected thereby.

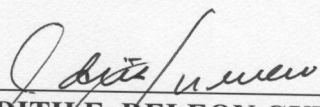
28 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be  
29 construed as affecting any existing right acquired under contract or acquired under statutes

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1 repealed or under any rule, regulation, or order adopted under the statutes. Repealers  
2 contained in this Act shall not affect any proceeding  
3 instituted under or pursuant to prior law. The enactment of the Act shall not have the  
4 effect of terminating, or in any way modifying, any liability, civil or criminal, which shall  
5 already be in existence on the date this Act becomes effective.

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


**CERTIFIED BY:**

  
\_\_\_\_\_  
**EDITH E. DELEON GUERRERO**  
**PRESIDENT OF THE SENATE**

**ATTESTED BY:**

  
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**CELINA R. BABAUTA**  
**SENATE LEGISLATIVE SECRETARY**

Approved this 8<sup>th</sup> day of August, 2024

  
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**ARNOLD I. PALACIOS**  
**Governor**  
**Commonwealth of the Northern Mariana Islands**