

TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2017

S. B. NO. 20-21

A BILL FOR AN ACT

To establish a Northern Marianas Technical Institute by adding a new Chapter 11 to Title 3, Division 1 of the Commonwealth Code; To repeal Public Law 14-54 and Public Law 15-5; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that there is a large
2 demand for workers who possess certain trades skills and competencies, particularly in
3 the tourism/hospitality and construction industries, a demand that will significantly
4 increase over the next several years. In addition, just as this demand increases, United
5 States immigration policies will lead to a drastically reduced number of available non-
6 immigrant foreign workers in the CNMI.

7 The Legislature further finds that it is critical to establish at this time well
8 coordinated and comprehensive training and education for local residents to ensure that
9 the CNMI local labor force contains an adequate pool of competent employees. In order
10 to provide technical and trades training, as well as occupational opportunities, this Act
11 will establish a technical institute which will provide training and education relative to
12 the CNMI's most critical manpower needs, thereby supporting the Commonwealth's
13 economic development and reducing its reliance on non-immigrant foreign workers.

14 The Northern Marianas Trades Institute (NMTI), a non-profit educational
15 institution, was established in 2008 to provide training and education opportunities in an
16 ever-increasing number and variety of trades areas. The Legislature now recognizes the
17 need to change NMTI's status from that of a private non-profit school to that of a public
18 career and technical training institution in order for NMTI to better serve the
19 Commonwealth and to qualify for sufficient financial resources that will enable the

1 Institute to improve and expand its curriculum, programs, and facilities; hire highly
2 qualified instructors; acquire essential instructional tools and equipment; and provide
3 needed financial assistance to enable needy students to enroll in its classes and
4 apprenticeship programs.

5 The Legislature further finds that Public Law 14-54 which established a Technical
6 Education Program at the Public School System and Public Law 15-5 which established
7 United States Registered Apprenticeship Program at the Northern Marianas College must
8 be repealed because such programs will be administered by the Northern Marianas
9 Technical Institute established in this Act. Therefore, the purpose of this legislation is to
10 establish the Northern Marianas Technical Institute to provide career and technical
11 education for the people of the Commonwealth.

12 **Section 2. Repealers.** Public Law 14-54 and Public Law 15-5 are hereby repealed
13 in their entirety.

14 **Section 3. Enactment.** Title 3, Division 1 of the Commonwealth Code is
15 amended by adding a new Chapter 11, subject to codification by the Commonwealth Law
16 Revision Commission, to read as follows:

17 **“CHAPTER 11**

18 **CAREER AND TECHNICAL EDUCATION ACT**

19 **(Northern Marianas Technical Institute)**

20 **Article 1**

21 **General Provision**

22 **§ 11011. Short title.** This Act may be cited as the “Career and Technical
23 Education Act of 2017.”

24 **§ 11012. Legislative intent.** This Act shall be construed in accordance with the
25 following legislative intent: It is the legislative intent to add a new Chapter 11 to Title 3
26 of Division 1 of the CNMI Code. This chapter shall serve to:

1 (a) Strengthen many of the existing manpower training programs
2 administered by the Commonwealth government by consolidating such under one
3 governing board to avoid expensive duplication of functions;

4 (b) Expand and strengthen career and technical education programs and
5 trades training within the Commonwealth of the Northern Mariana Islands.

6 (c) Expand short-term and extension programs in skills training; and

7 (d) Strengthen formal secondary and post-secondary education programs
8 in the field of career and technical education and trades skills development.

9 **§ 11013. Definitions.** As used in this Chapter unless otherwise indicated:

10 (a) “Career and Technical Education” means organized educational programs
11 that offer both academic and career-oriented courses, and provide students with work
12 experience and certification opportunities through internships, job shadowing, and on-
13 the-job training, all with the aim of industry certification and/or a degree through the
14 Northern Marianas Technical Institute.

15 (b) “Northern Marianas Technical Institute” means an educational institution
16 which provides both secondary and post-secondary educational programs that specialize
17 in the skilled trades, applied sciences, modern technologies, and career preparation, all
18 aimed at industry certification and/or a degree.

19 (c) “Board” means the Board of Trustees of the Northern Marianas Technical
20 Institute.

21 (d) “President” means the administrative head of the Northern Marianas
22 Technical Institute.

23 (e) “Cross Enrollment” means horizontally and vertically articulated
24 simultaneous enrollment in more than one educational institution with the approval of the
25 respective administrators and institutions.

26 (f) “Post-Secondary Education” means education for persons at the age of
27 seventeen (17) or older who have graduated from secondary school or students who
28 dropped out of elementary or secondary school without graduating.

1 (g) "Trades" means a skilled job, typically requiring manual skills and special
2 training.

3 **§ 11014. Northern Marianas Technical Institute.**

4 (a) There shall be in the Commonwealth of the Northern Mariana Islands
5 government a career and technical educational institution to be known as the "Northern
6 Marianas Technical Institute." The President of the Institute shall be appointed by the
7 Board of Trustees and shall be the head of the Institute.

8 (b) The Northern Marianas Technical Institute is established as a nonprofit
9 public corporation under the general control and direction of a Board of Trustees which is
10 hereby created, and it shall enjoy all powers conferred by law upon a public corporation.
11 The Institute shall adopt bylaws that enumerate its purposes, duties, powers, and rules of
12 organization and operation, the bylaws of which shall not be inconsistent with this Act.

13 (c) The current members of the Board of Directors for Northern Marianas
14 Trades Institute shall serve as interim members of the Board of Trustees for the Northern
15 Marianas Technical Institute for up to one year or until the Governor appoints and the
16 Senate confirms new members of the Board of Trustees, whichever comes first.

17 **Article II**

18 **Administration**

19 **§ 11021. Administration of the Northern Marianas Technical Institute.**

20 All powers vested in the Northern Marianas Technical Institute except as provided
21 herein shall be exercised by the Northern Marianas Technical Institute Board of Trustees.

22 **§ 11022. Board of Trustees: Establishment.**

23 (a) There shall be a Board of Trustees for the Northern Marianas Technical
24 Institute composed of seven members who shall be appointed by the Governor with the
25 advice and consent of the Senate. At least one member shall be a resident of Tinian, one
26 member shall be a resident of Rota, at least one member shall be of Carolinian descent,
27 and at least one member shall be a woman. Of the total seven members, at least five

1 members shall represent businesses and industries; the remaining two members of the
2 Board of Trustees shall be from the general public.

3 (b) The current members of the Board of Directors for Northern Marianas Trades
4 Institute shall serve as interim members of the Board of Trustees for the Northern
5 Marianas Technical Institute for up to one year or until the Governor appoints and the
6 Senate confirms the members of the Board of Trustees, whichever comes first. The
7 Governor has the option of appointing one or more of the current members of the Board
8 of Directors for Northern Marianas Trades Institute to serve on the Board of Trustees for
9 the Northern Marianas Technical Institute. Each newly appointed member of the Board
10 of Trustees for the Northern Marianas Technical Institute must be confirmed by the
11 Senate whether or not they have previously served on the Board of Directors for Northern
12 Marianas Trades Institute.

13 **§ 11023. Board of Trustees: Terms and Qualifications.**

14 (a) Members of the Board shall serve staggered terms of four years, provided that
15 at the first meeting of the Board which consists of all seven members to be appointed by
16 the Governor and confirmed by the Senate, the members shall choose lots to designate
17 three members who shall serve for four years, two members who shall serve for three
18 years, and two members who shall serve for two years.

19 (b) Members of the Board must have the following qualifications:

- 20 (1) Resident of the Commonwealth of the Northern Mariana Islands and
21 citizen of the United States of America;
- 22 (2) Demonstrated capability for representing objectively the
23 Commonwealth's career and technical training fields with regard to
24 manpower demands and program direction to meet the overall
25 development needs within the community, the government, business,
26 and industry.
- 27 (3) No Board member may be a current employee of the Northern Marianas
28 Technical Institute.

1 (d) All meetings of the Board shall be subject to the Open Government Act
2 Codified at 1 CMC § 9901 *et seq.*, and shall be open to the public, except when personal
3 matters affecting the privacy of an individual or other confidential matters are considered.
4 The Board may, on its own initiative, or at the request of the individual involved,
5 consider such matters in closed session; provided any decision resulting there from shall
6 be officially acted upon in an open meeting.

7 **§ 11026. Board of Trustees: Compensation.**

8 (a) Members of the Board may receive as compensation for meetings actually
9 attended no more than \$60.00 for a full day and no more than \$30.00 for a half day or less
10 meeting.

11 (b) A Board member traveling on official business shall receive travel and per
12 diem compensation at the rates and guidelines established for executive branch
13 employees of the CNMI government.

14 (c) Board members shall be reimbursed for reasonable and necessary expenses
15 incurred in the performance of their duties.

16 **§ 11027. Advisory Committee.**

17 The Board shall establish advisory committees for each of the career programs or
18 levels of instruction and appoint advisory committee members from among people in the
19 community who can best advise the Board in their area of expertise or on matters
20 pertaining to the Board's responsibilities as established by law.

21 **§ 11028. Rules and Regulations.**

22 The Board shall adopt reasonable rules and regulations consistent with the laws of
23 the United States and the laws of the Commonwealth of the Northern Mariana Islands (a)
24 for its own operations, (b) for the governance of the Institute, and (c) for the purpose of
25 carrying out all other duties and powers herein conferred. All rules and regulations
26 adopted by the Board pursuant to this Act shall be made available to the public.

27 **§ 11031. Purposes and Functions.** The purposes of the Northern Marianas
28 Technical Institute shall be to:

1 (a) establish career and technical education programs by offering both academic
2 and career-oriented educational courses. The programs will be designed to provide
3 students with the opportunity to gain practical learning experiences focusing on critical
4 thinking, new technologies, real-world settings, hands-on activities, and learning about
5 practical problems.

6 (b) provide career and technical education courses in all public high schools;

7 (c) establish and maintain short-term extension programs and apprenticeship
8 training programs in the Commonwealth of the Northern Mariana Islands;

9 (d) expand and maintain secondary and post-secondary educational programs in
10 the career and technical fields;

11 (e) establish a solid base and stability of financial resources which will aid NMTI
12 in obtaining accreditation;

13 (f) award appropriate certificates, diplomas, and degrees to qualified students.

14 **§ 11032. Powers of the Northern Marianas Technical Institute and its Board.**

15 The Northern Marianas Technical Institute and its Board shall have all the powers
16 necessary to carry out and perform the purposes and provisions of this Chapter, except the
17 power to levy and collect taxes. In addition to the powers granted in this Act, the
18 Northern Marianas Technical Institute and Board shall:

19 (a) have a perpetual succession;

20 (b) adopt a seal and have the power to modify it;

21 (c) hold in trust for the Commonwealth the property and assets of the Institute;

22 (d) determine the mission, vision, and values of the Institute;

23 (e) identify the goals and general direction of the Institute, and approve policies
24 in pursuit of such goals and direction;

25 (f) grant appropriate certificates, diplomas, and degrees and issue other official
26 documents indicating successful completion of courses of study established in accordance
27 with the Institute's rules and regulations;

1 (g) establish policy for and administer all publicly funded financial assistance
2 for its students;

3 (h) establish, amend, and repeal its bylaws;

4 (i) elect and set the term of its own officers, consistent with CNMI laws and
5 applicable court decisions;

6 (j) approve the annual budget of the Institute and have the budget submitted to
7 the Legislature pursuant to 1 CMC Section 7206:

8 (k) enter into and execute contracts and instruments of every kind and nature
9 necessary to the exercise of its powers and functions in accordance with applicable CNMI
10 laws and regulations;

11 (l) acquire for use by the Institute any property whether real, personal, or other,
12 whether tangible or intangible, or any interest therein, and sell, lease, or otherwise dispose
13 of the same for the good of the Institute. Provided that any real property granted to the
14 Institute without cost by any legal entity capable of receiving and holding public land
15 shall revert to the Commonwealth government or the legal entity upon determination by
16 the Board that the Institute will make no further use of the property;

17 (m) accept on behalf of the Institute gifts, grants, donations, bequests, and other
18 contributions;

19 (n) set up a Trust Fund for the exclusive use and expenditures of the Institute;

20 (o) establish and oversee the activities of the Northern Marianas Technical
21 Institute Foundation as a nonprofit tax-exempt public corporation for the purpose of
22 raising money for NMTI programs and student financial assistance;

23 (p) accept private gifts, donations, endowments, grants, and other monies which
24 may be offered to the Institute even though such gifts, donations, endowments, or grants
25 may be subject to reasonable conditions. Such funds as received shall be deposited into
26 the fund to be known as the Northern Marianas Technical Institute Foundation Fund.
27 Expenditures shall be made from the fund only for the purposes of this Act and in
28 accordance with such conditions as may be attached to the gifts, donations, endowments,

1 or grants; provided that such expenditures shall be made only upon a resolution of the
2 Board;

3 (q) expend funds appropriated by the Federal or Commonwealth government or
4 donated to the Institute by any other entity;

5 (r) set the qualifications and salary for the President and appoint and remove the
6 President of the Institute for such cause as the Board shall determine; provided that the
7 initial appointment of any individual as President shall be for a period not to exceed two
8 years. Nothing in this act shall preclude renewal of such appointment by the Board if it
9 so wishes; and

10 (s) with the advice of the President, the Board shall establish resident and non-
11 resident tuition, fees, and other charges for the Institute's services.

12 **§ 11042. President.**

13 (a) The Board shall appoint the President of the Institute, who shall be its Chief
14 Executive Officer. The President of the Institute shall serve as the executive officer of
15 the Board and shall have full charge and control of the administration and business affairs
16 of the Institute.

17 (b) The powers of the President include the following:

18 (1) to see that all rules and regulations of the Institute are enforced;

19 (2) to attend all meetings of the Board and submit to the Board a general
20 report regarding the affairs of the Institute;

21 (3) to keep the Board advised as to the needs of the Institute;

22 (4) to devote his/her entire time to the business of the Institute, to select
23 and appoint the employees of the Institute except as otherwise provided by this
24 Act, and to plan, organize, coordinate, and control the services of such employees
25 in the exercise of the powers of the Institute under the general direction of the
26 Board;

27 (5) to enter into contracts, cooperative agreements, and such other
28 transactions as may be helpful to conduct the business of the Institute;

1 enrollment of students among the several public and private high schools within the
2 Commonwealth.

3 The division chief of the Secondary Division shall be designated the principal of
4 the NMTI Career and Technical High School.

5 **§ 11053. Post-Secondary Division.** The Post-Secondary Division is for persons
6 seventeen (17) years old or older who have graduated from secondary school or students
7 who dropped out of elementary or secondary school without graduating. The Post-
8 Secondary Division shall offer such career and technical programs as the Board shall
9 determine. The programs may be either credit or non-credit and may be degree or non-
10 degree programs.

11 **§ 11054. Apprenticeship Training Division.** The Apprenticeship Training
12 Division shall develop local skills in the various crafts and trades and develop programs
13 of apprenticeship training and apprenticeship standards in accordance with standards
14 established by and acceptable for registration with the Bureau of Apprenticeship and
15 Training, United States Department of Labor.

16 The Board shall formulate apprenticeship programs in various career and
17 technical fields in which critical shortages of trained personnel exist in the CNMI. Such
18 shall be in cooperation with an appropriate advisory committee composed of members of
19 the construction industry, general business community, the Public School System, and the
20 general public.

21 **Article IV**

22 **Miscellaneous**

23 **§ 11061. Submission of Budget.** Notwithstanding any other law, rule or
24 regulation to the contrary, the Board shall submit to the Legislature its annual operating
25 budget and capital improvement budget as it finds necessary.

26 **§ 11062. Construction with Other Law.** Except as expressly provided for
27 herein and notwithstanding any other law to the contrary, the Institute shall be
28 autonomous and self-sufficient in matters pertaining to its governance, organization, and

1 administration and in the promulgation of its rules and regulations pertaining to the
2 following:

- 3 (a) Courses of instruction;
- 4 (b) Issuance of certificates, diplomas, degrees, and credits;
- 5 (c) Personnel recruitment, appointment, promotion, dismissal, and other
6 personnel matters;
- 7 (d) Obligation and disposition of funds, provided that appropriated funds are
8 used for the purpose or purposes stipulated in the Act appropriating said funds; and
- 9 (e) Soliciting, receiving, and using gifts of any kind whatsoever for the purposes
10 provided in this Chapter.”

11 **§ 11063. Regional Accreditation.** The Northern Marianas Technical Institute
12 shall not be subject to any statutes, rules, or regulations that would limit or impair its
13 ability to seek regional accreditation.

14 **§ 11064. Establishment of New Legal Entity/Prohibition on the Retention or**
15 **Extension of Pre-Existing Debts or Other Financial Encumbrances.**

16 The Northern Marianas Technical Institute, its Board, and various legal divisions
17 are hereby established by law. It shall be an entirely new legal entity and shall not be
18 subject to any pre-existing debt or other financial or legal encumbrances that either exist
19 or were originated prior to the establishment of this provision.”

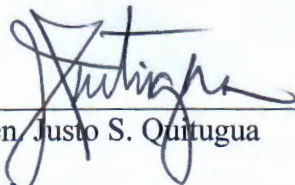
20 **Section 4. Severability.** If any provision of this Act or the application of any
21 such provision to any person or in any circumstance should be held invalid by a court of
22 competent jurisdiction, the remainder of this Act or the application of its provisions to
23 persons or circumstances other than those to which it is held invalid shall not be affected
24 thereby.

25 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not
26 be construed as affecting any existing right acquired under contract or acquired under
27 statutes repealed or under any rule, regulation, or order adopted under the statutes.
28 Repealers contained in this Act shall not affect any proceeding instituted under or

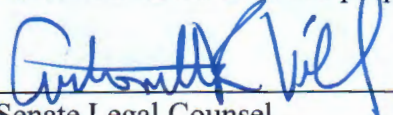
1 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,
2 or in any way modifying, any liability, civil or criminal, which shall already be in
3 existence on the date this Act becomes effective.

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

Date: 2/15/17

Introduced By: 
Sen. Justo S. Quitugua

Reviewed for introduction purposes by:


Senate Legal Counsel