



THE SENATE  
Twentieth Northern Marianas Commonwealth Legislature  
P. O. Box 500129  
Saipan, MP 96950

SEN. COMM. 20-10  
(HOUSE)

March 23, 2017

The Honorable Rafael S. Demapan  
Speaker  
House of Representatives  
20<sup>th</sup> Northern Marianas Commonwealth Legislature  
Saipan, MP 96950

Dear Speaker Demapan:

I have the honor to transmit for House action S.B. No. 20-03, SS1 entitled, "To amend 1 CMC §§ 2261(b) and 2262(a), to limit the public high school student representative to the Board of Education to one year and rotated appointment by public school; and for other purposes." The Senate passed on First and Final Reading S.B. No. 20-03, SS1 by the unanimous vote, a quorum being present in its 4<sup>th</sup> Day, First Regular Session on March 22, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Dolores S. Bermudes".

Dolores S. Bermudes  
Senate Clerk

Attachment

**Transmitted to HOUSE:**

Received by:

Date: 032317

Time: 2:26pm

*S. Passed 3/22/17*

**A BILL FOR AN ACT**

To amend 1 CMC §§ 2261(b) and 2262(a), to limit the public high school student representative to the Board of Education to one year and rotated appointment by public school; and for other purposes.

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

1           **Section 1. Findings and Purpose.**

2           The Legislature finds that the current statutory provision under 1 CMC § 2261(b)  
3 provides the governor the authority to appoint a student attending a public high school to  
4 the Board of Education. The same provision also provides that the appointment of the  
5 public high school student representative shall be on a rotational basis by each respective  
6 public high school. And 1 CMC § 2262(a) provides that the student representative shall  
7 be appointed for period the student is enrolled in a public high school.

8           The Legislature finds it important to provide the opportunity to more public high  
9 school students, including the public high school students in the First Senatorial and  
10 Second Senatorial districts, to serve as student representative to the Board of Education.

11           The purpose of this Act is to provide a rotational basis by each respective public  
12 high school and to limit the term of the public high student to one year. In addition, the  
13 “exclusive bargaining process” for the teacher representative provided in 1 CMC §  
14 2261(b) is removed to be consistent with Article XV, section 1(c), of the NMI  
15 Constitution.

16           **Section 2. Amendment.** 1 CMC § 2261(b) is hereby amended to read as follows:

17           “(b) The Governor shall appoint three nonvoting ex officio members to the Board  
18 of Education as follows: one member shall be a representative of a nonpublic school; one  
19 member shall be a student attending a public secondary school, appointed on a rotating  
20 basis by each respective public high school Senatorial District; and one member selected  
21 by ~~an exclusive bargaining process as a representative of the teachers within the Public~~

1 School System pursuant to subsection (e) of this section. These appointees may be  
2 reappointed, with the exception of the student representative, and shall serve at the  
3 pleasure of the Governor.”

4 **Section 3. Amendment.** 1 CMC § 2262(a) is amended to read:

5 “(a) Elected members of the board shall serve terms of four years except that the  
6 terms of the first members elected shall be determined by drawing of lots with three  
7 members serving a term of four years and two members serving a term of two years.  
8 Appointed members shall serve for a term of four years, except for a student  
9 representative enrolled in a public school who shall be appointed for ~~the duration of~~  
10 enrollment in a public school a term of one year.”

11 **Section 4. Severability.** If any provision of this Act or the application of any  
12 such provision to any person or circumstance should be held invalid by a court of  
13 competent jurisdiction, the remainder of this Act or the application of its provisions to  
14 persons or circumstances other than those to which it is held invalid shall not be affected  
15 thereby.

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

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

Date: 1/23/17

Introduced By: /s/ Sen. Justo S. Quitugua



**The Senate**  
**NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**  
**P.O. BOX 500129**  
**SAIPAN, MP 96950**

STANDING COMMITTEE  
REPORT NO. 20-04  
Date: March 16, 2017  
RE: SB 20-03

*S-Adopted 3/22/17*

Honorable Arnold I. Palacios  
President of the Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

**Re: Senate Bill 20-03**

Dear Mr. President:

Your Committee on Education and Youth Affairs to which S.B. 20-03, entitled:

To amend 1 CMC § 2261(b) and 2262(a), to limit the public high school student representative to the Board of Education to one year and rotated appointment by Senatorial District; and for other purposes.

was referred, begs leave to report as follows:

**I. RECOMMENDATION:**

After discussion and consideration, your Committee recommends that Senate Bill 20-03 be passed by the Senate in the form of Senate Substitute 1.

**II. ANALYSIS:**

A. **Purpose:** The purpose of the bill is to limit the term of the Student Representation to the Board of Education to one year and rotated by the respective public high school. In addition, the bill removes the "exclusive bargaining process" for the teacher representative so that it is consistent with Article XV, section 1(c) of the NMI Constitution.

B. **Committee Findings:**

The original bill proposed a term of one year and rotation by senatorial district as

recommended by the former PSS Board Chairperson. The Committee finds that it is necessary to amend the student representative provision in order to provide a term limit of one year and that the student representative be rotated by the respective high school as recommended by the current Board Chairperson and the Commissioner.

The Committee also finds it necessary to amend 1 CMC § 2261(b) so that it is consistent with Article XV, section 1(c) of the NMI Constitution.

C. Legislative History: S.B. 20-03 was introduced by Senator Justo S. Quitugua and was referred to the Committee on Education and Youth.

D. Public Hearings and Comments:

1. The Committee received a joint written comment, dated February 21, 2017, from Chairwoman Marylou S. Ada and Commissioner Cynthia I. Deleon Guerrero requesting that the student representative be rotated every year by respective public high schools rather than rotation by senatorial district. See attached letter.

2. The Attorney General commented in its letter dated March 2, 2017 that he finds no legal issues and that the bill is legally sufficient. See attached letter.

E. Estimated Fiscal Cost: Except for airfare cost and related travel expense, in the case of a Tinian or Rota student representative, there is not much fiscal impact to PSS Board budget.

F. Summary of Committee Amendments:

1. Page 1, line 20, after the word "school" the words "Senatorial District" are stricken.

2. Page 1, line 21, after the word "by" the words "an exclusive bargaining process as a representative of" are stricken.

3. Page 2, line 1, after the word "System" the words "pursuant to subsection (e) of this section" are inserted.

4. Page 2, line 9, after the word "representative" the words "enrolled in a public school" are inserted.

5. Page 2, lines 9 and 10, after the words "appointed for" the words "the duration of enrollment in a public school" are stricken and the words "a term of one year" are inserted.

6. The Title and certain portions of the Findings and Purpose of the bill are amended to reflect the changes made in the substitute bill.

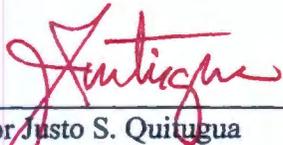
G. Section by Section Analysis: None

H. Legal Analysis/Issues: None

**III. CONCLUSION:**

The Committee concludes that SB 20-03, SS1 achieves the goal of providing a term limit of one year and rotating the PSS Board Student Representative by the respective public high school, and amending the current statutory provision pertaining to the teacher representative so that it is consistent with Article XV, section 1(c) of the NMI Constitution.

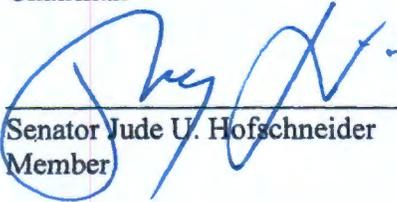
Respectfully submitted,



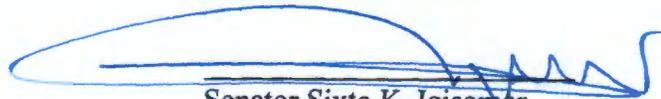
\_\_\_\_\_  
Senator Justo S. Quiñigua  
Chairman



\_\_\_\_\_  
Senator Francisco Q. Cruz  
Vice Chairman



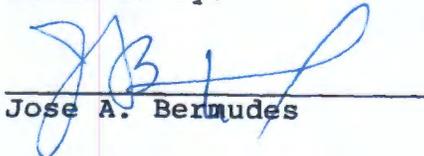
\_\_\_\_\_  
Senator Jude U. Hofschneider  
Member



\_\_\_\_\_  
Senator Sixto K. Igisomar  
Member

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Senator Steve K. Mesngon  
Member

Reviewed by:



\_\_\_\_\_  
Jose A. Bermudes



# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands — *Public School System*

PO Box 501370 Saipan, MP 96950 • Tel. 670 237 3027 • Fax 670 694 3762



*MaryLou S. Ada, J.D.*  
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*Janice A. Tenorio*  
Vice-Chairwoman

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*Galvin S. Deleon Guerrero*

Student Representative  
*Angelly Marie Guiang*

February 21, 2017

Senator Justo S. Quitugua  
Senate Legislative Secretary  
Chairman, Rules and Procedures & Education and Youth Affairs  
20th Northern Marianas Commonwealth Legislature  
The SENATE  
P.O. Box 500129, Capitol Hill  
Saipan, MP 96950

Subject: Senate Bill No. 20-03 To limit the public high school student representative to the Board of Education to one year and rotated appointment by Senatorial district

Dear Chairman Quitugua,

As you are aware, the CNMI State Board of Education (Board) is not a full time board. As such, in order to meet the responsibilities and obligations bestowed on the Board, the Board Standing Committee on Legislative and Intergovernmental Affairs (LIA) was established to review proposed bills and recommend to the Board appropriate comments and action regarding relevant legislation. Working with input from the Commissioner of Education and the Public School System (PSS) Leadership team, the Committee conferred on February 8, 2017 to discuss Senate Bill No. 20-03 and the following comments are submitted in response to your request.

I am pleased about the introduction of this bill and would like to share the support of the Board and PSS for the same. Our former Chairman, Mr. Herman T. Guerrero, had advocated for this amendment, to clear up the law that governs term limits, for quite some time. It has long been the practice of the Board to have one (1) year appointments, but this past term, the Board nominated a junior in high school. She is a terrific member and very engaged and we have been glad to have her, but it has caused some trouble with students from Tinian who believed this year should have been their turn. This situation was the catalyst in lobbying for this amendment that makes the term of the student representative clear.

I appreciate your support on this issue and would like to also ask for the same for the Education Act we plan to resubmit very soon. Our regulations are the bedrock of our ability to govern PSS and ensure that our students have leadership that is both transparent and dedicated to their education and wellbeing.

STUDENTS FIRST

Letter to Senator Justo S. Quitugua  
February 21, 2017  
Page 2

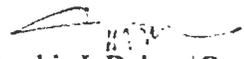
Although the Board still supports the intent of the bill, we would like to share our concern about the student representative position rotating among the senatorial districts as opposed to the high schools. As you are aware, Saipan has three (3) high schools, Tinian has one (1), and Rota only has one (1). If the position would rotate by senatorial district as opposed to by high school, it would mean that a high school on Saipan would have to wait for seven (7) years for a student to be appointed.

Whereas, the only high schools on Tinian and Rota would have a student from its school elected every third year. In the past we have always rotated by school because it was, and is, the most equitable solution to ensure that each high school has a fair turn in electing the student representative.

We hope you take our concerns into consideration and leave the rotation among the schools as opposed to the senatorial districts. This will ensure equity and a proportional participation in the governance of PSS.

Sincerely,

  
Mary Lou S. Ada, J.D.  
Chairwoman, LIA Committee  
State Board of Education

  
Cynthia I. DeLeon Guerrero, M. Ed.  
Commissioner of Education  
Public School System

cc: Members, State Board of Education



Commonwealth of the Northern Mariana Islands  
Office of the Attorney General

2<sup>nd</sup> Floor Hon. Juan A. Sablan Memorial Bldg.  
Caller Box 10007, Capitol Hill  
Saipan, MP 96950

EDWARD MANIBUSAN  
Attorney General

LILLIAN A. TENORIO  
Deputy Attorney General

March 2, 2017

OAGSB: 2017-06

Hon. Justo S. Quitugua  
Senator  
Twentieth Northern Marianas Commonwealth Legislature  
PO Box 500129  
Saipan, MP 96950

**Re: Request for Comments on S.B. 20-03**

Dear Senator Quitugua:

Thank you for requesting comments from the Office of the Attorney General on Senate Bill 20-03. This purpose of this bill is to amend 1 CMC § 2261(b) and 1 CMC § 2262(a). The amendment to § 2261(b) changes the rotational basis for the public high school student representative of the Board of Education. It changes the rotational basis from rotation by school to rotation by Senatorial District. Section 2261(b) is further amended by clarifying that the teacher representative is selected pursuant to 1 CMC § 2261(e). Last, the amendment to § 2262(a) changes the duration the student member serves on the Board of Education from "the duration of enrollment in a public school" to a term of one year. After reviewing the version of the bill that you transmitted to us, I can find no legal issues and believe the bill is legally sufficient.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Manibusan".

EDWARD MANIBUSAN  
Attorney General

cc: Deputy Attorney General

Civil Division  
Telephone: (670) 237-7500  
Facsimile: (670) 664-2349

Criminal Division  
Telephone: (670) 237-7600  
Facsimile: (670) 234-7016

Attorney General's Investigative  
Telephone: (670) 237-7625  
Facsimile: (670) 234-7016

Division Domestic Violence Intervention Center  
Telephone: (670) 664-4583  
Facsimile: (670) 664-4589