

TITLE 3: HUMAN RESOURCES
DIVISION 1: EDUCATION

§ 12101. Short Title.

This Act may be cited as the “Career and Technical Training Act of 2018.”

Source: PL 20-92 § 2 (Feb. 18, 2019).

Commission Comment: PL 20-92 § 2 enacted Chapter 12, Articles 1–4. PL 20-92 §§ 4–5 amended 1 CMC § 7103(n) and 1 CMC § 8131(a)(12). PL 20-92 § 3 set forth transitions provisions, and the Commission codified § 3(e) as § 12145. In addition to severability and savings clauses, PL 20-92 included the following findings and purpose and transitions provisions:

Section 1. Findings and Purpose. The Legislature finds that there is a large demand for workers who possess certain trades skills and competencies, particularly in the tourism/hospitality and construction industries, a workforce demand that will significantly increase over the next several years in the Commonwealth. In addition, just as the workforce demand increases, United States immigration policies will lead to a drastically reduced number of available non-immigrant foreign workers in the Commonwealth. On June 24, 2018, H.R. 5956, the Northern Mariana Islands U.S. Workforce Act of 2018 became law. The new federal law extends the Commonwealth’s CW-1 Transitional Worker Program for another ten years and increases the CW-1 worker cap from 4,999 to 13,000 for fiscal year 2019. However, the CW-1 worker cap will continue to decrease each year until the program expires in 2029. The U.S Congress has given the Commonwealth and its businesses additional time to train and prepare its U.S. citizen and permanent resident workforce to replace its long-standing dependence on the current non-immigrant foreign workers. Time is of the essence and the Commonwealth government must act swiftly to train its U.S. citizen and permanent resident workforce.

The Legislature further finds that it is critical to establish at this time well-coordinated and comprehensive training for local U.S. citizens and permanent residents to ensure that the Commonwealth local workforce contains an adequate pool of competent employees. In order to provide technical and trades training, as well as occupational opportunities, this Act will establish a technical institute which will provide training relative to the Commonwealth’s most critical manpower needs, thereby supporting the Commonwealth’s economic development and reducing its reliance on non-immigrant foreign workers. This Act will further provide better opportunities for the technical institute to obtain additional federal technical assistance and federal grants to train and support the students throughout the Commonwealth.

The Legislature finds that the Northern Marianas Trades Institute (NMTI), a non-profit educational institution, was established in 2008 to provide training and education opportunities in an ever-increasing number and variety of trades areas. The Legislature now recognizes the need to change NMTI’s status from that of a private non-profit school to that of a public career and technical training institution in order for NMTI

TITLE 3: HUMAN RESOURCES
DIVISION 1: EDUCATION

to better serve the Commonwealth and enable the Institute to improve and expand its curriculum, programs, and facilities; hire highly qualified instructors; acquire essential instructional tools and equipment; and provide needed financial assistance to indigent students to enroll in its classes and apprenticeship programs. Recently, the Board of Directors of the Northern Marianas Trades Institute unanimously adopted a resolution to support the intent of converting NMTI to a non-profit public corporation.

The Legislature also finds that NMTI, as a public institution, would qualify for annual Commonwealth funding and other resources as well as additional federal assistance. This will open many doors and opportunities for Commonwealth residents on Saipan, Tinian and Rota to establish a career in technical and trades programs. Moreover, Commonwealth businesses would be more eager and content to support NMTI as a government entity rather than a non-profit institution because a government entity promotes stability and continuity. Similarly, the general public's confidence in NMTI's ability to provide certified career, technical and trades training would be bolstered if NMTI is under the direction and support of the government.

The Legislature finds that PSS has initiated the implementation of its Career and Technical programs (use to be known as vocational education program) which has 16 clusters which more and more high school students are demonstrating interests in the programs. Some of the programs under the CTE require tremendous amount of time on "hands on" lessons and activities which can only be completed at NMTI.

The Legislature finds that this Act is not intended to supplant or replace the career and technical education programs established at the Public School System (PSS) and the programs at the Northern Marianas College (NMC). The Northern Marianas Technical Institute will provide career, trades and technical training in occupations not available at the Northern Marianas College but may provide advanced career, trades and technical training for the programs provided at the Public School System. Therefore, the purpose of this legislation is to establish the Northern Marianas Technical Institute to provide career, trades and technical training for U.S. citizens and permanent residents. This Act will transfer the functions, operation, and programs of the Northern Marianas Trades Institute to the Northern Marianas Technical Institute as agreed by the NMTI Board of Directors.

Section 3. Transition Provisions.

(a) Upon the effective date of this Act, the operations of the Northern Marianas Trade Institute shall continue under the direction and control of the Board of Directors and CEO of the Northern Marianas Trade Institute until the transition period set forth in this section terminates or the transition is complete, whichever occurs first.

(b) Confirmation of Board of Trustees.

(1) Notwithstanding any law to the contrary and 3 CMC § 12114 as established by this Act, the initial Board of Trustees of the Northern Marianas Technical Institute (NMTI) shall be appointed by

TITLE 3: HUMAN RESOURCES
DIVISION 1: EDUCATION

the Governor pursuant to 3 CMC § 12112 as established by this Act, within 45 days of the effective date of this Act. The Senate shall exercise its confirmation authority over the Governor's appointees no later than 45 days after each is submitted for confirmation. If the Senate fails to exercise its confirmation authority within the days, at such time the appointee shall be deemed to have been rejected by the Senate. However, notwithstanding any provision of law to the contrary, the Governor may appoint new individuals to the initial board, or may reappoint the same individuals originally appointed.

(2) Appointments and confirmations for vacancies after the initial board has been established shall be in the manner provided by 3 CMC §§ 12112 and 12114 as established by this Act, except as otherwise provided by this section; provided, that after the 90-day period for confirmation has expired and the appointee or appointees are deemed rejected, the Governor may appoint new individuals for confirmation, or reappoint his earlier appointee or appointees.

(c) Committee on Transition.

(1) Promptly upon confirmation of all NMTI board positions and organization of the new NMTI Board of Trustees, the Governor shall appoint a Committee on Transition comprised of the newly confirmed the NMTI Board of Trustees, including but not limited to, the Special Assistant for Management and Budget, the Secretary of the Department of Finance, the Director of Procurement & Supply, the Secretary of the Department of Public Lands, the Director of OPM, and the CEO and remaining board of directors of the Northern Marianas Trade Institute.

(2) The Committee on Transition shall be headed by the newly elected chairperson of the NMTI Board of Trustees.

(3) The Committee on Transition shall meet jointly to devise a transition and transfer plan for NMTI within 15 days after the organization of the NMTI Board of Trustees and thereafter as necessary to carry out the intent of this section.

(4) The Northern Marianas Trade Institute shall provide, upon request, to the Committee on Transition for use in connection with the preparation and transition to a public corporation, necessary information, services and facilities, including suitable office space appropriately equipped with furniture, furnishings, and office supplies as determined by the committee. If the office space provided is not adequate, the Governor may provide the adequate office space and equipment to the committee.

(5) The Committee on Transition shall have up to 180 days after the organization of the Committee on Transition to establish a transition plan, completely transfer the records, property personnel, and funds, and the operations of the Northern Marianas Trades Institute to the Northern Marianas Technical Institute.

(d) Transition Plan. The NMTI Transition plan shall include the following:

TITLE 3: HUMAN RESOURCES
DIVISION 1: EDUCATION

- (1) An inventory and accounting of all property, fixed assets and capital goods, including but not limited to office and field equipment, office furnishings and supplies, etc. of the Northern Marianas Trade Institute. The inventory shall provide specific description of the item, quantity, tag number, location, and item value;
- (2) Financial audit of the Northern Marianas Trade Institute including all of its bank or other financial accounts, receivables, payables, debts, notes, and all information affecting the financial status of the institute;
- (3) Plans to transition the management of the building and facilities, personnel and records over to NMTI;
- (4) FY2019 NMTI annual budget including all revenues and expenditures; and
- (5) Any other relevant information pertaining to the transition.

(e) Transfer of Property, Personnel and Funds to NMTI. Upon the directive of the Committee on Transition, the Northern Marianas Trade Institute and appropriate government authority, including the Governor and the Department of Public Lands, as the case may be, shall transfer to NMTI:

- (1) All real property owned by the Northern Marianas Trade Institute and all other real and personal property, fixed assets, and capital goods used exclusively for functions and duties which are to be assumed by NMTI, and all materials and supplies used exclusively in connection herewith;
- (2) All personnel and school records used in the administration and operations of the Northern Marianas Trade Institute shall be transferred to NMTI;
- (3) All unexpended balances of appropriations, allocations, allotments, or other funds available for the use by the Northern Marianas Trade Institute shall be transferred to NMTI; and
- (4) Any funds and appropriations for functions and duties transferred to NMTI from the Northern Marianas Trade Institute shall become assets of NMTI and be deposited into the financial accounts of NMTI.

(f) Transition Report. Upon complete implementation of the NMTI transition plan and completion of the transfers to NMTI, the chairperson of the Committee on Transition shall submit a transition report to the governor and presiding officers of the legislature within 20 days after transition is fully complete.

(g) Termination of Committee on Transition. The Committee on Transition shall terminate and cease to exist upon the submission of the transition report to the governor and presiding officers of the legislature but not later than 180 days after the organization of the Committee on Transition. Upon the termination of the Committee on Transition, the NMTI Board of Trustees shall have full control and supervision of the Northern Marianas Technical Institute pursuant to the provisions of this Act.