Arnold I. Palacios Governor



David M. Apatang Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS OFFICE OF THE GOVERNOR

08 AUG 2024

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

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,



Governor

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

> Juan A. Sablan Memorial Building • 12306 Pagan Loop. • Capitol Hill, Saipan Caller Box 10007 • Saipan, MP 96950 • (670) 237-2200 • governor.gov.mp



THE SENATE Twenty-Third Northern Marianas Commonwealth Legislature P. O. Box 500129 Saipan, MP 96950

July 2, 2024

The Honorable Arnold I. Palacios Governor Commonwealth of the Northern Mariana Islands Saipan, MP 96950

Dear Governor Palacios:

I have the honor of transmitting herewith for your action **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.

Sincerely,

he Dolores S. Berm

Senate Clerk

Attachment





THE SENATE

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 23-13

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

Senator Celina R. Babauta SENATE LEGISLATIVE SECRETARY



THE SENATE TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2023

S.B. NO. 23-13

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:

Section 1. <u>Findings and Purpose</u>. The Legislature finds that state and territorial archives are statutorily mandated to work with government agencies to carry out records management programs that support effective program management and public services delivery, promote economical and efficient management of information resources, and ensure that records of archival value are identified, protected, and, when appropriate, transferred to 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 by Commonwealth boards, commissions or agencies, the official actions of the Commonwealth 12 Legislature, and any other official record of the Commonwealth deemed by the archivist to 13 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).

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

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

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

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

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

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

"Article 8. CNMI Archives

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

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

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

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

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

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

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

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

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

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

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. <u>CNMI Archivist.</u>
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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(a) Establish standards, procedures, and techniques for effective management of records;

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

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

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

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28 29 (e) Obtain reports from agencies as required for the administration of the program.

Section 104. Duties of Agency Heads.

The head of each agency shall:

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

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

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

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

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

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

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Section 109. Destruction of Non-record Materials.

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

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Section 110. Rules and Regulations.

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

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Section 3. <u>Severability</u>. If any provision of this Act or the application of

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

Section 4. <u>Savings Clause</u>. This Act and any repealer contained herein shall not be
 construed as affecting any existing right acquired under contract or acquired under statutes

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repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding

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

Section 5. <u>Effective Date.</u> This Act shall take effect upon its approval by the Governor or becoming law without such approval.

CERTIFIED BY:

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EDITH E. DELEON GUERRERO PRESIDENT OF THE SENATE

ATTESTED BY:

CELINA R. BABAUTA SENATE LEGISLATIVE SECRETARY

this Sth day of AUGUST, 2024

ARNOLD I. PALACIOS

Governor Commonwealth of the Northern Mariana Islands