



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

The Honorable Joseph M. Mendiola
Senate President, The Senate
Fifteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

DEC 19 2007

The Honorable Oscar M. Babauta
Speaker, House of Representatives
Fifteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that pursuant to override action by the House of Representatives and the Senate of the Fifteenth Northern Marianas Commonwealth Legislature on December 3, 2007 and December 5, 2007, respectively, Senate Bill No.15-14, entitled, "To amend 1 CMC § 8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that person seeking to be certified as eligible for civil service position have prior work experience if such persons posses a Bachelor's, Master, or Doctoral Degree, in a field of expertise related to the civil service position for which the person has applied," the bill became **Public Law No. 15-119**. Copies of this law are forwarded for your reference.

Sincerely,

A handwritten signature in black ink that reads "Benigno R. Fitial".

BENIGNO R. FITIAL

cc: Lt. Governor; Attorney General, Office of the Attorney General;
Secretary, Department of Finance; Director of Personnel, Office of Personnel
Management; Executive Director, Civil Service Commission; Special Assistant for
Management and Budget; All Mayors; All department and agency heads; Chief
Justice, Supreme Court; All municipal councils; Executive Director,
Commonwealth's Law Revision Commission; and Special Assistant for Programs
and Legislative Review



The Senate

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. Box 500129
Saipan, MP 96950

December 17, 2007

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Fitial:

The Senate, Fifteenth Northern Marianas Commonwealth Legislature, on December 05, 2007 and the House of Representatives on December 03, 2007 voted in accordance with Article II, Section 7(c) of the CNMI Constitution to override by the affirmative vote of two-thirds (2/3) of the members the veto on Senate Bill No. 15-14, entitled, "To amend 1 CMC § 8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that persons seeking to be certified as eligible for a civil service position have prior work experience if such persons possess a Bachelor's, Masters, or Doctoral degree, in a field of expertise related to the civil service position for which the person has applied; and for other purposes."

Please inform us of the Public Law number assigned to this Act.

Sincerely yours,

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

Dolores S. Bermudes
Senate Clerk

Attachment



The House of Representatives
 NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
 P.O. BOX 500586
 SAIPAN, MP 96950


December 3, 2007

The Honorable Benigno R. Fitial
 Governor
 Commonwealth of the Northern
 Mariana Islands
 Capitol Hill
 Saipan, MP 96950

Dear Governor Fitial:

This is to inform you that the House of Representatives in its First Day, Tenth Special Session on December 3, 2007, overrode your veto of **S. B. NO. 15-14**, entitled, "An Act to amend 1 CMC § 8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that persons seeking to be certified as eligible for a civil service position have prior work experience if such persons possess a Bachelor's, Masters, or Doctoral degree, in a field of expertise related to the civil service position for which the person has applied," with the affirmative vote of two-thirds (2/3) of the members of the House of Representatives.

Sincerely yours,


 Evelyn C. Fleming
 House Clerk

TRANSMITTAL from the HOUSE OF REPRESENTATIVES

TO: Office of the Governor (SAPLR) *Delivered by:* _____

Inf. override of SB N-14 '3'

Received by: *Healman* Date: 12/03/07 Time: 3:40 pm





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

The Honorable Oscar Babauta
Speaker, House of Representatives
Fifteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

OCT 17 2007

The Honorable Joseph Mendiola
Senate President
Fifteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

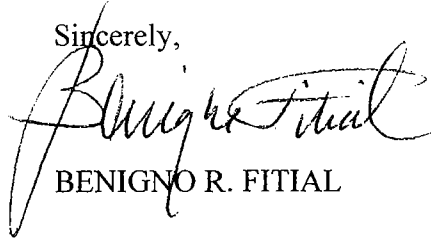
This is to inform you that I have disapproved Senate Bill 15-14, entitled "To amend 1 CMC §8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that persons seeking to be certified as eligible for a civil service position have prior work experience if such persons possess a Bachelor's, Masters, or Doctoral degree, in a field of expertise related to the civil service position for which the person has applied" which was passed by the Fifteenth Northern Mariana Islands Legislature.

The amendment offered in this bill creates a civil service system that eliminates a promotional system based on merit and experience. The current system categorizes certain positions in levels to correspond with different pay scales. The purpose of such a system is to allow employees to strive for excellence and gain experience over time so as to earn promotions which translates to a higher salary. If this bill were approved, the motivation to perform well and earn promotions will be eliminated as position levels will all be the same.

The fallacy of this measure is that education by itself qualifies a person to perform a job at the level required for the position that the person is applying for. That notion is incorrect. Education may provide a person with knowledge and foundation, but it does not provide a person with the expertise and skills that come with experience.

While I understand and share the Legislature's desire to provide employment for all returning CNMI residents, the approach taken in this bill is neither practical nor fair. Therefore, I cannot endorse the passage of this bill into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Benigno R. Fitial". The signature is fluid and cursive, with the first name being the most prominent.

BENIGNO R. FITIAL

CC: Lieutenant Governor
Special Legal Counsels, Office of the Governor
Legal Counsel, Office of the Lt. Governor
Attorney General, Office of the Attorney General
Secretary, Department of Finance
Director, Office of Personnel Management
Civil Service Commission
President, Northern Marianas College
CNMI Scholarship Board
Chairperson, SHEFA Board of Directors
Commissioner, Public School System
Mayors, CNMI
Senior Policy Advisor, Office of the Governor
Special Assistant to the Administration
Special Assistant for Programs & Legislative Review



THE SENATE
FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO.15-14

AN ACT

To amend 1 CMC § 8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that persons seeking to be certified as eligible for a civil service position have prior work experience if such persons possess a Bachelor's, Masters, or Doctoral degree. in a field of expertise related to the civil service position for which the person has applied.

SENATE ACTION

Offered by Senator(s): Pete P. Reyes

Date: January 19, 2006

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: 15-110

Final Reading: July 26, 2007; **Overridden** on December 05, 2007

HOUSE ACTION

Referred to: None

Standing Committee Report No. None

First and Final Reading: August 21, 2007; **Overridden** on December 03, 2007


SENATOR MARIA FRISCA T. PANGELINAN
SENATE LEGISLATIVE SECRETARY

FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2006

SENATE BILL NO. 15-14

AN ACT

To amend 1 CMC § 8117(i) of the Commonwealth Civil Service Act to provide that the Civil Service Commission shall amend the Civil Service Rules and Regulations to remove any and all provisions requiring that persons seeking to be certified as eligible for a civil service position have prior work experience if such persons possess a Bachelor's, Masters, or Doctoral degree, in a field of expertise related to the civil service position for which the person has applied.

BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings. The Legislature notes that the Civil Service Act, set forth at 1
2 CMC § 8101, *et. seq.* states that “[i]t is the policy of the Commonwealth to encourage the
3 professional, technical and skilled-trade education and training of resident citizens in filling
4 positions in the government service, whether by appointment, recruitment, or promotion.”
5 The Legislature finds, however, that the Civil Service Commission, in attempting to fulfill
6 the mandate of the Civil Service Act, has implemented rules and regulations that excessively
7 restrict the ability of returning citizens to qualify for civil service positions by requiring that
8 only those individuals with years of prior work experience in a related field can be certified
9 as eligible for a civil service position. The Legislature finds, therefore, that it is necessary to
10 amend 1 CMC § 8117(i) of the Civil Service Act to provide that the Civil Service

1 Commission shall amend the Civil Service Rules and Regulations to remove any and all
2 provisions requiring that persons seeking to be certified as eligible for a civil service position
3 have prior work experience in a related field if such persons possess a Bachelor's, Masters,
4 or Doctoral degree, in a field of expertise related to the civil service position for which the
5 person has applied.

6 Section 2. Amendment. 1 CMC § 8117(i) is hereby amended and shall read as
7 follows:

8 “(i) Establish the method of certification of eligibles for appointments or
9 promotions, provided however, that such method of certification shall not require
10 that persons seeking to be certified as eligible for a civil service position have prior
11 work experience in a related field if such persons possess a Bachelor's, Masters, or
12 Doctoral degree, in a field of expertise related to the civil service position for which
13 the person has applied. The appointing authorities shall be entitled to the
14 certification of not less than five eligibles for each vacancy. If more than one
15 vacancy is to be filled, an additional eligible shall be certified for each additional
16 vacancy. Special and different rules and regulations may be established for unskilled
17 labor lists, reemployment lists, reinstatements, procedures for emergency, and
18 provisional or temporary appointments or promotion for a limited period where
19 status in the civil service is not obtained and certification is not required;”

20 Section 3. Severability. If any provision of this Act or the application of any such
21 provision to any person or circumstance should be held invalid by a court of competent


1 jurisdiction, the remainder of this Act or the application of its provisions to persons or
2 circumstances other than those to which it is held invalid shall not be affected thereby.

3 Section 4. Savings Clause. This Act and any repealer contained herein shall not be
4 construed as affecting any existing right acquired under contract or acquired under statutes
5 repealed or under any rule, regulation or order adopted under the statutes. Repealers
6 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
7 law. The enactment of this Act shall not have the effect of terminating, or in any way
8 modifying, any liability, civil or criminal, which shall already be in existence at the date this
9 Act becomes effective.

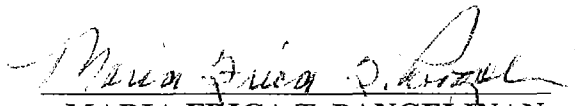
10 Section 5. Effective Date. This Act shall take effect upon its approval by the
11 Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:




JOSEPH M. MENDIOLA
President of the Senate



MARIA FRISCA T. PANGELINAN
Senate Legislative Secretary

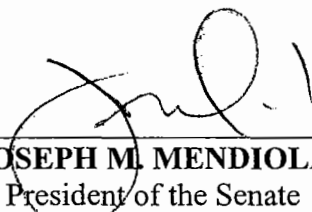
DISAPPROVED this 17th day of OCTOBER, 2007



BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands

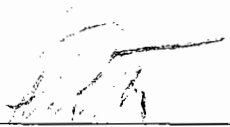
Overridden by the Senate on December 05, 2007 and the House of Representatives on December 03, 2007 with the affirmative vote of two-thirds of the members in each House.

CERTIFIED BY:



JOSEPH M. MENDIOLA
President of the Senate

Date: 12/10/07



OSCAR M. BABAUTA
Speaker of the House of Representatives

Date: 12/10/07