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,

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
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,

Dolores S. Bermudes
Senate Clerk

Attachment
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. Ex. Item of SB No. 15

Received by: ___________________ Date: 12/03/07 Time: 3:40 p.m.
The Honorable Oscar Babauta  
Speaker, House of Representatives  
Fifteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950  

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,

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
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
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:

Section 1. Findings. The Legislature notes that the Civil Service Act, set forth at 1 CMC § 8101, et. seq. states that “[i]t is the policy of the Commonwealth to encourage the professional, technical and skilled-trade education and training of resident citizens in filling positions in the government service, whether by appointment, recruitment, or promotion.”

The Legislature finds, however, that the Civil Service Commission, in attempting to fulfill the mandate of the Civil Service Act, has implemented rules and regulations that excessively restrict the ability of returning citizens to qualify for civil service positions by requiring that only those individuals with years of prior work experience in a related field can be certified as eligible for a civil service position. The Legislature finds, therefore, that it is necessary to amend 1 CMC § 8117(i) of the 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 in a related field 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.

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

“(i) Establish the method of certification of eligibles for appointments or promotions, provided however, that such method of certification shall not require that persons seeking to be certified as eligible for a civil service position have prior work experience in a related field 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. The appointing authorities shall be entitled to the certification of not less than five eligibles for each vacancy. If more than one vacancy is to be filled, an additional eligible shall be certified for each additional vacancy. Special and different rules and regulations may be established for unskilled labor lists, reemployment lists, reinstatements, procedures for emergency, and provisional or temporary appointments or promotion for a limited period where status in the civil service is not obtained and certification is not required;”

Section 3. Severability. 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. Savings Clause. This Act and any repealer contained herein shall not be
construed as affecting any existing right acquired under contract or acquired under statutes
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 this Act shall not have the effect of terminating, or in any way
modifying, any liability, civil or criminal, which shall already be in existence at the date this
Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the
Governor or upon its becoming law without such approval.
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: 12/18/07

OSCAR M. BABAUTA
Speaker of the House of Representatives

Date: