



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Regular Session

March 8, 2013

Representative Trenton B. Conner, of Tinian, Precinct 6 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 18-33

AN ACT

**TO RE-ESTABLISH THE COMMONWEALTH BOARD OF NURSE
EXAMINERS AS AN AUTONOMOUS PUBLIC AGENCY; AND FOR
OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 18-29, adopted on June 5, 2013.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JUNE 21, 2013;
without amendments and transmitted to the
THE SENATE.**

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 18-31, adopted on August 29, 2013.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 29, 2013;
without amendments
and returned to the House of Representatives.**

THE BILL WAS FINALLY PASSED ON JUNE 5, 2013.

A handwritten signature in black ink, appearing to be "Linda B. Muña".

Linda B. Muña, House Clerk



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

First Day, Fifth Special Session

June 21, 2013

H. B. No. 18-33

AN ACT

TO RE-ESTABLISH THE COMMONWEALTH BOARD OF NURSE EXAMINERS AS AN AUTONOMOUS PUBLIC AGENCY; AND FOR OTHER PURPOSES.

Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature:

1 **Section 1. Findings and Purpose.** The Commonwealth Legislature finds that there is
2 an established Commonwealth Board of Nurse Examiners for the purpose of regulating the
3 practice of nursing in the Commonwealth. Such establishment is to ensure that any person
4 practicing or offering to practice nursing in the Commonwealth is properly licensed for the
5 protection of the public's health, safety and welfare. Under current statute, the Board is
6 created within the Department of Public Health and is carrying out its duties as mandated.
7 The Commonwealth Legislature however finds it necessary and reasonable to re-establish the
8 Commonwealth Board of Nurse Examiners as the Northern Marianas Islands Board of
9 Nursing or NMI Board of Nursing, an autonomous public agency along with expenditure
10 authority over funds of the Commonwealth of the Northern Mariana Islands and provide the

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1 board with expenditure authority over its funds to ensure its ability to function independently
2 and more effectively. Due to the Attorney General's Opinion that CNMI Constitutional
3 Article III § 21 invalidates the previous version of 3 CMC § 2305 (d), insofar as Board
4 members are constitutionally prohibited from serving beyond the terms for which they were
5 appointed, the Legislature also finds it prudent to afford to the Board the power to reappoint
6 members to a second term if no other appointment appears forthcoming after ninety days.
7 This ninety day waiting period reinstates to the Board powers as the legislature originally
8 envisioned without infringing upon the Governor's appointment authority. It is therefore the
9 purpose of this Act to re-establish the NMI Board of Nursing as an autonomous public
10 agency, to grant the board with expenditure authority over available funds, and to give the
11 Board power to reappoint members who have served only one term.

12 **Section 2. Amendments.**

13 a. 3 CMC § 2305 (a) is hereby amended to read as follows:

14 "§ 2305. Membership; Appointment; Term of Office; Removal; Vacancies;
15 Qualifications; Immunity.

16 (a) There is hereby established an autonomous public agency of the
17 Commonwealth of the Northern Mariana Islands, a body corporate to be known as the
18 Northern Mariana Islands Board of Nursing or NMI Board of Nursing to serve those
19 functions provided for in 3 CMC § 2301 *et seq* and 3 CMC § 2310 *et seq*. The Board
20 shall be composed of seven members, of whom four shall be Registered Nurses
21 and/or Advance Practice Registered Nurses; one shall be a Licensed
22 Practical/Vocational Nurse; one shall be a Certified Technician or a Certified Nursing
23 Assistant; and one shall be a representative of the public or community; of the seven
24 board members, one shall be from the island of Tinian, one from the island of Rota,

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1 and five from the island of Saipan. The provision of 1 CMC 2901 shall not apply to
2 the composition of the Board.”

3 b. 3 CMC § 2305 (d) is hereby amended to read as follows:

4 “§ 2305. Membership; Appointment; Term of Office; Removal; Vacancies;
5 Qualifications; Immunity

6 (d) Any vacancy in the membership of the Board caused by death, resignation,
7 removal, or otherwise shall be filled for the period of the unexpired term. Vacancies
8 created by reason other than the expiration of a term shall be filled within thirty (30)
9 days after such vacancy occurs. Furthermore, if the position has not yet been filled
10 ninety (90) days after the expiration of a member’s first term, the Board may
11 reappoint the member to a second term.”

12 c. 3 CMC § 2318 is hereby amended to read as follows:

13 “§ 2318. License Fees.

14 (a) The Board is authorized to establish appropriate fees for licensure by
15 examination, reexamination, endorsement and such other fees and fines as the Board
16 determines necessary. Each application for a license by examination, endorsement, or
17 waiver, or any temporary license, to practice, as a Registered Nurse, Licensed
18 Practical/Vocational Nurse, Certified Technician, Certified Nursing Assistant,
19 Advanced Practice Registered Nurse shall be accompanied by a fee as determined by
20 the Board. These fees shall be paid directly to the NMI Board of Nursing Licensing
21 Fee and Fines Account and do not need to be first submitted to the Treasury.

22 (b) The NMI Board of Nursing shall establish a separate account to be known
23 as the “NMI Board of Nursing Licensing Fee and Fines Account” for the deposit of
24 fees and fines collected by the Board in accordance with their rules and regulations.

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1 This account may be held at a private banking institution and shall be subject to
2 government audit. The funds collected and deposited into the "NMI Board of Nursing
3 Licensing Fees and Fines Account" shall be expended continuously without
4 appropriation and specifically for carrying out the purpose of this chapter.

5 (c) The expenditure authority for funds from the "NMI Board of Nursing
6 Licensing Fee and Fines Account" shall be the elected officer positions of the NMI
7 Board of Nursing."

8 **Section 3. Severability.** If any provisions of this Act or the application of any such
9 provision to any person or circumstance should be held invalid by a court of competent
10 jurisdiction, the remainder of this Act or the application of its provisions to persons or
11 circumstances other than those to which it is held invalid shall not be affected thereby.


12 **Section 4. Supremacy.** This Act supersedes any previous laws pertaining to
13 expenditure authority, powers and duties, and management of CNMI Board of Nursing
14 Licensing Fees and Fines Account. All inconsistencies should be read in favor of this Act.

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

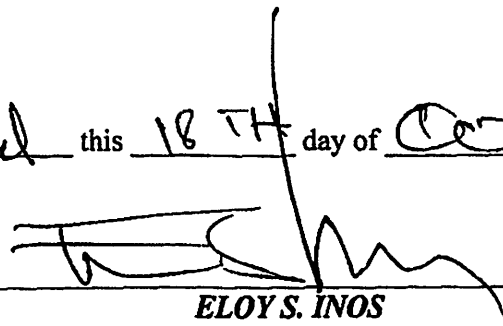
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1 Section 6. **Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER JOSEPH P. DELEON GUERRERO
House of Representatives
18th Northern Marianas Commonwealth Legislature

Approved this 18TH day of OCTOBER 2013


ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands