

AN ACT

To further amend Public Law No. 7-29, as amended by Public Law No. 7-130, relating to the establishment and organization of the College of Micronesia, for the purpose of abolishing the position of Chancellor, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 3 of Public Law No. 7-29, as amended by Public
2 Law No. 7-130, is hereby amended to read as follows:

3 "Section 3. Board of Regents. There shall be a Board of Regents
4 of the College of Micronesia which shall consist of the following
5 members who shall serve for the following terms:

6 (1) One member from each administrative district of the
7 Trust Territory appointed by the District Administrator, with the
8 advice and consent of the District Legislature, to serve a term
9 of four years; PROVIDED, that the District Administrator shall
10 submit his nomination to the District Legislature for the first
11 member appointed pursuant to this Subsection on or before
12 November 10, 1977; PROVIDED FURTHER, that at the first Board
13 meeting the members appointed pursuant to this Subsection shall
14 by drawing lots designate three members to serve an initial term
15 of two years;

16 (2) Two members appointed by the High Commissioner to serve
17 terms of four years, one of whom is noted in the Trust Territory
18 for his accomplishments in the field of economic development and
19 who is not a full time employee of the executive or judicial
20 branch of the Trust Territory Government at the territorial or
21 district level, and the other of whom is a nonresident of the
22 Trust Territory but who resides within the Pacific area who is well

1 recognized in the field of education for his work with post-
2 secondary institutions of learning; PROVIDED, that the High
3 Commissioner shall submit his nominations to the Congress of
4 Micronesia for the first members appointed pursuant to this
5 Subsection on or before November 10, 1977; PROVIDED FURTHER, that
6 the High Commissioner shall designate ~~one of the first two members~~
7 appointed pursuant to this Subsection to serve an initial term of
8 two years; and

9 (3) The Chairman of the Trust Territory Board of Education,
10 or its successor."

11 Section 2. Section 8 of Public Law No. 7-29, as amended by Public Law
12 No. 7-130, is hereby amended to read as follows:

13 "Section 8. Powers of the Board of Regents. The Board of Regents
14 shall have general management and control over the affairs of the
15 College, and to this end, shall have the powers to:

16 (1) Adopt, amend, and repeal bylaws governing the conduct of
17 its business and the performance of the powers and duties granted
18 to or imposed upon it by law;

19 (2) Appoint and terminate such officers of the Board as it
20 deems necessary, or as required by law;

21 (3) Fix, in its discretion, the rates charged the students
22 of the College for tuition, fees, and other necessary charges;

23 (4) Confer such degrees and grant such diplomas and certifi-
24 cates as Colleges of like stature are usually authorized to confer
25 or grant;

1 (5) Appoint, evaluate the performance of, and terminate the
2 services of the President of a school;

3 (6) Establish policies and approve procedures for the
4 appointment of all faculty members and the granting of tenure to
5 any faculty member;

6 (7) Establish policies and approve procedures for the granting
7 of full and partial scholarships or fellowships to students for
8 educational purposes, and, in its discretion, approve methods by
9 which individual students may work for the College in some suitable
10 capacity and have such labor credited against their tuition;

11 (8) Establish annual lists of fields of study of national
12 priority for post-secondary and graduate levels of training;

13 (9) Award all student loans and scholarship grants, unless
14 the provisions of the loan or grant specifically require otherwise,
15 for attendance of Micronesian students at post-secondary and
16 graduate institutions within Micronesia or abroad, based upon the
17 quality of the institution and the relevancy of the intended
18 instruction to national development priorities of Micronesia;

19 (10) Acquire in any lawful manner any property, real,
20 personal, or mixed, tangible or intangible, or any interest
21 therein; to hold, maintain, use, and operate the same; and to
22 sell, lease, or otherwise dispose of the same at such time, in
23 such manner, and to the extent deemed necessary to carry out its
24 purposes; PROVIDED, that any real property granted to the College
25 without cost by the Trust Territory Government or any political

1 subdivision thereof, or by any other legal entity capable of
2 receiving and holding public land in the Trust Territory shall
3 revert to said government, political subdivision, or legal entity
4 upon the cessation of active use by the College;

5 (11) Enter into and perform such contracts, leases, coopera-
6 tive agreements, or other transactions as may be necessary in the
7 conduct of its business and on such terms as it may deem appro-
8 priate with any agency or instrumentality of the United States, or
9 with any state, territory, or possession, or with any political
10 subdivision thereof, or with any other foreign government, or agency,
11 instrumentality, or political subdivision thereof, or with the
12 Trust Territory Government, or any agency, instrumentality, or
13 political subdivision thereof; or with any person, firm, associa-
14 tion, or cooperative;

15 (12) Determine the character of and the necessity for its
16 obligations and expenditures, and the manner in which they shall
17 be incurred, allowed, and paid, subject to the provisions of law
18 specifically applicable to the College;

19 (13) Borrow money from time to time; PROVIDED, that no debt
20 of the College shall be secured by real property granted to the
21 College without cost by the Trust Territory Government or any
22 political subdivision thereof, or by any legal entity capable of
23 receiving and holding public land in the Trust Territory;

24 (14) Execute in accordance with its bylaws, all instruments
25 necessary or appropriate in the exercise of its powers;

1 (15) Establish such policies, rules, regulations, and
2 standards as it may deem necessary for the effective operation of
3 the College, including the establishment or approval of rules,
4 regulations, and standards governing the admission, discipline, and
5 removal of students;

6 (16) Establish policies and approve procedures for the main-
7 tenance of such departments and courses of instruction and for the
8 undertaking of such research projects and programs as it deems
9 appropriate or as may be required by law;

10 (17) Provide for a program of workmen's compensation for
11 employees of the College equal to, or greater than that available
12 to persons of similar employment with the Trust Territory Govern-
13 ment;

14 (18) Take such other actions and assume such other responsi-
15 bilities as may be necessary or appropriate to carry out the
16 duties conferred upon it by law; and

17 (19) Incorporate into the College of Micronesia such
18 technical and research establishments, including the Micronesian
19 Mariculture Demonstration Center in Palau, as the Board of Regents
20 might deem necessary or appropriate to ensure a quality program of
21 instruction and research which is relevant to national development
22 priorities of Micronesia; and to acquire personnel and all property,
23 whether real or personal, tangible or intangible, of any such
24 establishment as may be transferred to the College of Micronesia."

25 Section 3. Section 12 of Public Law No. 7-29, as amended by Public Law

1 No. 7-130, relating to the position of Chancellor of the College, is hereby
2 deleted in its entirety.

3 Section 4. Section 13 of Public Law No. 7-29, as amended by Public Law
4 No. 7-130, is hereby renumbered as Section 12 and amended to read as follows:

5 "Section 12. Duties of the College of Micronesia Budget and
6 Finance Officer; bond. The College of ~~Micronesia Budget and Finance~~
7 Officer shall be the chief fiscal, accounting, and budget officer
8 of the College of Micronesia. As such, he shall receive and
9 disburse all funds of the College including all its subdivisions.
10 Before entering into his duties, he shall execute, at the expense
11 of the College, a good and sufficient bond in the sum of not less
12 than \$20,000 or such greater sum as may be established by the Board.
13 Said bond shall be with one or more sufficient sureties authorized
14 to do business in the Trust Territory, shall be approved as to form
15 by the High Commissioner, and shall be filed with the Attorney
16 General. The Budget and Finance Officer shall be selected by the
17 Board, and will at all times be under the direct supervision of the
18 Board. He shall serve at the discretion of the Board of Regents."

19 Section 5. Section 14 of Public Law No. 7-29, as amended by Public Law
20 No. 7-130, is hereby renumbered as Section 13 and further amended to read as
21 follows:

22 "Section 13. Accounts: reports. The College of Micronesia Budget
23 and Finance Officer shall be responsible for ensuring that proper
24 and complete books of account are kept reflecting all income,
25 expenditures, assets and money of the College, including

1 appropriations, gifts, property, tuition, fees, and other funds.
2 The Board of Regents shall publish not later than 45 days after
3 the close of each fiscal year a complete report showing the activi-
4 ties of the College during the fiscal year, the present condition
5 of the College, the financial status of the College and such other
6 matters as the Board shall deem appropriate. In addition to any
7 other audits provided for by law, the Board shall select either the
8 Trust Territory Auditor or an independent auditor selected by the
9 Board who shall inspect and audit all accounts of the College at
10 least annually, and report thereon to each governmental entity
11 within the Trust Territory."

12 Section 6. Section 15 of Public Law No. 7-29, as amended by Public Law
13 No. 7-130, is hereby renumbered as Section 14.

14 Section 7. Section 16 of Public Law No. 7-29, as amended by Public Law
15 No. 7-130, is hereby renumbered as Section 15 and further amended to read as
16 follows:

17 "Section 15. Evaluation of the College.

18 (1) The Board shall, prior to the conclusion of each school
19 year, cause an independent survey to be conducted among students
20 and faculty of the College evaluating the quality of administra-
21 tion, the quality of course instruction, the effectiveness of the
22 faculty, and such other matters as the Board may deem appropriate,
23 and shall transmit a copy of the results of the survey to each
24 governmental entity within the Trust Territory, and the Chairman
25 of the Trust Territory Board of Education or its successor within

1 30 days of the conduct of the survey.

2 (2) Commencing in 1980, and every five years thereafter, the
3 Chairman of the Trust Territory Board of Education shall contract
4 for an independent and comprehensive evaluation to be made of all
5 aspects of the administration, education, and research activities
6 of the College, and a report of the evaluation ~~shall be transmitted~~
7 by the Chairman to the Rector of the College, the High Commissioner,
8 and each governmental entity within the Trust Territory within 90
9 days of the conclusion of the evaluation."

10 Section 8. Section 17 of Public Law No. 7-29, as amended by Public Law
11 No. 7-130, is hereby renumbered as Section 16.

12 Section 9. Section 18 of Public Law No. 7-29, as amended by Public Law
13 No. 7-130, is hereby renumbered as Section 17 and amended to read as follows:

14 "Section 17. Transfer of budget functions. The High Commissioner
15 is hereby authorized and directed to transfer all annual budget
16 ~~allocations for the Community College of Micronesia, the Nursing~~
17 School, and the Micronesian Occupational Center, including any
18 existing unspent and unobligated portions of the annual budget of
19 such schools, to the College of Micronesia on October 1, 1978.
20 Until such time, appropriate branches of the Trust Territory
21 Government shall continue to perform the budget functions of the
22 College of Micronesia. The Board of Regents is specifically
23 authorized and directed to accept such budgeted funds on behalf of
24 the College. Any questions as to what constitutes a transfer of
25 property as described in Section 16 and what constitutes a transfer

1 of budget functions as described in this Section shall be resolved
2 by the Board of Regents."

3 Section 10. Sections 19, 20, 21, and 22 of Public Law No. 7-29, as
4 amended by Public Law No. 7-130, are hereby renumbered as Sections 18, 19,
5 20, and 21 respectively.

6 Section 11. This act shall become law upon its approval by the President
7 of the Federated States of Micronesia, or upon its becoming law without such
8 approval, and shall take effect in accordance with applicable Secretarial
9 Orders and simultaneously with the effective date of identical laws enacted by
10 the Marshall Islands Nitijela and the Palau Legislature.

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January 10, 1980, 1979

Tosiwo Nakayama
Tosiwo Nakayama
President
Federated States of Micronesia